# REPORT ON THE ACTIONS OF THE CONNEXIONAL PANEL OF INQUIRY INTO THE COMPLAINT MADE BY REV. TIMMS IN THE HASTINGS RYE AND BEXHILL DISTRICT.

Prepared by Rev Peter Timms OBE MA

## PREFACE.

A panel of Inquiry was selected to consider three complaints by Rev Peter Timms in the Hastings, Bexhill and Rye circuit. The subject matter of the complaints is generally of no importance to this report, being an entirely local issue, centred in Bexhill.

The panel of inquiry began its deliberations in the first week of September 2016 and presented its report to Rev Alan Bolton in December 2016.

After consideration of representations from Rev Timms, Rev Bolton, in concert with Mrs Louise Wilkins, stated that there was no procedure in the Rules and Standing Orders of the Methodist Church which could deal with such representations.

Part One of this report was compiled and submitted before the panel of inquiry in this matter reached its decision. The other parts were compiled after the panel had published its decision. There is therefore, some repetition - the later parts using additional material from the panel's report to supplement and confirm some of the charges made in part one.

## PART ONE.

This report takes as it basis the principles of fairness and justice embodied in Standing Order 1102 (General Matters) and in particular S.O. 1100[1] (3) clauses (iii),(iv),(v), (vi) and (vii). These are Standing Orders which govern all connexional affairs - including panels of inquiry.

This report contains information that:

1. I did not have an adequate opportunity to be heard during the complaints process. Instead I found myself meeting charges that were made against me and being hampered in gathering evidence.
2. I was not treated fairly by the complaints team
3. I did not receive a fair hearing.
4. There were procedural mistakes in that Standing Orders were not followed and interpreted correctly.
5. The complaint was managed without any proper and required consideration of whether or not reconciliation between me and the respondents was possible – despite repeated requests for such.
6. There was material procedural irregularity in the hearing. Standing Orders were interpreted without consideration of the principles behind them.
7. The procedure seriously impaired, or might have, seriously impaired, the mission, witness or integrity of the Church.
8. I did not receive the help and support that should be offered to the complainant.
9. There was undue interference in the complaints process which was contrary to Standing Orders.

[1] S.O. 1100 Principles : (3) The complaints and discipline process therefore seeks to embody the following principles:
(i) the initiation of complaints should not be limited to members of the Church;
(ii) there should be no difference of principle between ordained and lay people in the way in which complaints against them are dealt with;
(iii) the possibility of reconciliation should be explored carefully in every case in which that is appropriate;
(iv) help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process;
(v) the process should be fair;
(vi) the person or body making the decision at each stage should be competent to do so;
(vii) there should be a means of correcting any errors which may be made;
(viii) there should be a means of ensuring compliance with any decision;
(ix) there should be appropriate requirements relating to confidentiality and record-keeping.

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PRELIMINARY – INFORMAL STAGE

The original cause of the inquiry.

In April 2016 I submitted three separate complaints to Rev David Chapman, my local complaints officer. This was a small matter which might have been settled quickly.

The three complaints were against:
Rev Westwood[2]
Rev Pruden [3]
and
Rev Luscombe[4].

I submitted these three separate grievances to Rev David Chapman, the local complaints officer, whom I met on January 26th 2016[5] to discuss the problems I had been encountering. He sent me a letter on 5th April 2016[6], with a report attached, in which he stated that he had been unable to bring the matter to resolution locally and concluded that it would not be appropriate to refer these complaints to the Connexional complaints officer for formal investigation[7].

His attached report mentioned that the three respondents had each declined to meet with me.

The report stated that the local complaints officer has a duty to consider three questions[8]:

1) Is there sufficient evidence to establish a prima facia case for a respondent to answer?
2) Is it in the interest of natural justice for the complaint to be addressed formally by the Methodist Church?
3) In what circumstances is it proportionate to ask the Methodist Church to adjudicate on the disputed interpretation of events, including private conversations among office holders, concerning matters of governance where no verbatim record is available?

Having gone into some detail concerning the respondent's responses to him, Rev Chapman concluded it was not correct to refer the complaints to the Connexional complaints officer.

[2] Appendix HH
[3] Appendix II
[4] Appendix JJ
[5] Appendix OO
[6] Appendix OO
[7] Note – the word "complaints" is in the plural –i.e. three separate complaints. – see appendix OO See also appendix PP in which Chapman refers to the "three related complaints" (line 1)
[8] Appendix PP page 2 3rd para

I considered that my three complaints qualified under each of these categories – and I could not understand why Rev Chapman would not forward the complaints. It seemed to me that he had decided that S.O. 1126 would apply – under which the complainant may have no right of appeal. I decided that I had to lodge a formal complaint, but first I sent David Chapman four letters[9] hoping to avoid going further.

In my first letter[10], I lodged the grievances as complaints, but stated that I needed more than 21 days to put my case together. There were, after all, three separate complaints to consider. I mentioned that I needed to contact witnesses and I envisaged at least a month for this – or even more if my inquiries were hindered[11].

I further mentioned that my complaint would necessarily include material that had not, so far, been in the dispute[12].

In my fourth letter of this series, I suggested once again face to face meetings in a spirit of reconciliation. I added, in relation to a Circuit meeting of September 2014:

*"I believe that the heat generated by the arguments at the meeting in question have disturbed the peace of the local church community and that this should be addressed, not by further argument and aggression, but by an approach based in a desire for peace."*[13]

On 6th April I received an email from Rev Alan Bolton confirming the detail of Rev Chapman's letter of 5th April.[14]

I emphasise that at this point in the procedure, everything had been done in accordance with Standing Orders. Our differences were nothing more than a difference of interpretation.

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[9] See appendices FF TT UU VV
[10] Appendix FF
[11] See later – my inquiries were seriously hindered.
[12] Appendix FF page 1 bottom line
[13] Appendix VV page 2 para 5
[14] Appendix SS

PRELIMINARY – THE FORMAL STAGE.

Many of the problems I encountered in this inquiry rest upon interpretations of Standing Orders.

The events of the complaints took place in 2014. I therefore worked with Standing Orders for that time. The events of the inquiry, however, took place under a revised set of Standing Orders which were in place at the time of the beginning of the complaints process..

I also worked with the third edition of Rev Clifford Bellamy's "Complaints and Discipline in the Methodist Church" - a step by step guide to the standing orders on complaints and discipline". This was the latest edition of this work.

An important point in this motion is that the leader of the panel of inquiry, Mr. Kitchin did not use Bellamy in his considerations. When I quoted Bellamy he first replied:

"*The last edition of the Bellamy Guide was published in 2008 and the world has moved on since then..*[15]"

In a later letter[16] he pointed out that Bellamy is simply a guide to Standing Orders. He quoted Bellamy[17]:

'*It must always be remembered that this is only a guide to the Standing Orders, not a substitute for them."*

He said that his questions were not based on Bellamy and my responses should not be based on Bellamy[18].

I considered this to be very bad advice and not in keeping with S.O. 1100 (iv):

*"help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process"*

The role of the Bellamy Guide is crucial to my complaints and my dealings with the complaints panel.

To dismiss it as merely *a guide*, that I should not use, is to dismiss an important part of the Methodist ethic. Indeed, it questions why it was ever written.

[15] Appendix G page 2 para 4
[16] Appendix Q page 2 (f)
[17] Bellamy introduction para 5
[18] Appendix Q page 2 para (f)

Mr. Kitchin did not seem aware that Standing Orders *are not self-authenticating*[19]:

*"Standing Orders are not self-authenticating. The authority to issue them is derivative, and it derives from the truly central constitutional document of the Methodist Church – the Deed of Union.*"

This is the reason why Bellamy was written. Standing Orders alone are not everything in dealing with a complaint. The *manner* in which they are used, the *interpretation* of the wording of a Standing Order - indeed the *context* within which the Standing Order is used - must always been seen as adhering to the "*over-arching principles*" that one finds in Bellamy:

*"The overarching principles which guided the drafting of the present Standing Orders on complaints and discipline, and which should act as a guiding light to their interpretation,"*[20]

Bellamy should act "as a guiding light to their interpretation."

I shall outline later in this document how Mr. Kitchin used his *own interpretation* of certain Standing Orders even though his interpretations were not in line with Bellamy.

I believe that this was a material procedural irregularity that occurred on several occasions throughout this inquiry.

## THE DATE OF INQUIRY – NARRATIVE

In early September 2016[21] I received a telephone call from Mr. Kitchin in which he asked if I was free on November 15th. I consulted my diary and said that I was currently free on that date.

He later emailed me, specifying that that date was now fixed. However, my diary had now changed - due to circumstances beyond my control. I immediately informed Mr. Kitchin of this. A part of my responsibilities at that time was the preparation of a report for the Home Office. This had a deadline and I had to give it priority[22].

I informed Mr. Kitchin of this in my letter of 21st September[23]. He persisted with the date in his letter of October 1st[24].

[19] Standing Orders Vol one (iv) in 'Foreword to sixth edition' para 2 line 3
[20] Bellamy 1.1
[21] Cf. appendix G line 1 "It was on or before 12th September that we spoke on the telephone."
[22] Appendix B third para line 2 and 3
[23] Appendix B
[24] Appendix A

In my letter of October 4th I addressed this problem in detail. I had already become deeply embroiled by Mr. Kitchin in a matter of breach of confidentiality and the ability I might have to interview witnesses. This, I suspected might prolong my preparation longer than I had anticipated. I had initially mentioned that I would prefer the inquiry to be put off until March/April 2017[25] . Now I wrote of the November date [26]:

*"However, I do not recall agreeing to that date specifically, and I am surprised that you have gone ahead with the arrangements on the basis of that conversation. I would have expected that you would consult with the members of the inquiry, consider possible venues and availability of such – and then get back to me.*

*For my part, after our conversation, and with this date in mind, I considered the work I would need to do to prepare for the inquiry. My considerations were such, that I determined that, should you come back to me with the offer of that date, I would need to ask for further time.*

*I was not, of course, offered that date by letter which was something I expected as routine. In fact your letter gives a firm, non-negotiable date. This date was set without proper consultation with me – particularly so because, at the time of our initial exploratory conversation I had not been able to consider the amount of preparatory work I would need to do for the inquiry."*

You will note that Mr. Kitchin was still persisting with the date of November 15th – even though I alerted him to my non-availability on September 21st[27]. He imposed a time limit on my preparations, when in fact I believe that there is no time limit on a complaint[28].

I pointed out that booking the room for the inquiry in this manner is contrary to the implications of S.O. 1124[29].

I considered that I did not have <u>sufficient time to respond in all the circumstances of the cases</u>. Such is required by Standing Orders – yet I could not hope to make the November date because, as I shall

[25] 21st September Appendix B page 1 para 3
[26] Appendix C page 1 paras 1 &2
[27] For lengthy argument on this point, see appendix I page 3
[28] Bellamy 1.14 (1) There is no fixed time limit for dealing with a complaint. See also Bellamy 1.5 for qualifications
[29] S.O. 1124
(14) If the complaints team is considering exercising the power given by clause (13) above, it must:
(i) give the person concerned written notice that that is the case, stating the reasons for which it is considering exercising the power and inviting him or her to make representations in response by a specified date;
(ii) ensure that the person concerned has the documents and information necessary to enable him or her to understand the team's reasons and has sufficient time to respond in all the circumstances of the case;
(iii) take into account any response received from the person concerned in deciding whether or not to exercise the power.

recount later, I could not clarify with Mr. Kitchin whether I might speak to potential witnesses – and also I did not know precisely the content of the email held by Rev Westwood which formed the basis of all the problems at the Circuit meeting of September 2014.

There was also a matter of confidentiality. Mr. Kitchin's accusation[30] that I had breached confidentiality and his demand that I sign a confession to that – which he had written - was holding up proceedings.

On 15th October Mr. Kitchin wrote[31]:

*"It was on or before 12 September 2016 that we spoke on the telephone and I then wrote to you confirming the arrangement to see you on Tuesday 15 November. This provided nine weeks notice of the agreed date.*
*The complaint team considers that is sufficient notice for all parties to be prepared for interview, identifying documents needed and people from whom the team might wish to hear. The team will determine how it works, what steps may be necessary to investigate a complaint and from whom it wishes to receive evidence."*

To which I replied[32]:

*You write "nine weeks notice of the agreed date." You clearly count the 12th September as the date on which I agreed to November 15th. In fact you only confirmed the November date in your letter of 7th October – and you did so without any further consultation with me.*

*I wrote to you concerning this in my letter of 21st September:*

*"I have re-looked at my work schedule for the coming weeks which involves preparing evidence to the Home Office and the Professor Alexis Jay Inquiry and as a result I now ask that the 15th November date be changed to a date in March/April 2017."*

*Thus I gave you eight week's notice that I would not be able to attend on that date. You have simply ignored this."*

Mr. Kitchin continued to ignore the fact that I gave him two months notice that the November date was not suitable[33].

[30] See later
[31] Appendix G page 1 top para
[32] Appendix I Letter dated 20th October via email page 3ff
[33] See for example my letter of 20th October appendix J page 3 para4

In fact, the matter of the date did not reach any decision until I was taken into hospital with a suspected heart attack. On 26th October Mr. Kitchin changed his mind.

After I was well enough to return home, Mr. Kitchin wrote to me saying that he would put off the inquiry until January 2017[34]. I agreed to this. In a letter of 16th November, having mentioned that he knew that I had attended a couple of church functions, he changed his mind and offered the two dates mentioned in this report.
The commitment to a date in January 2017 is not mentioned in the report.

I was very surprised therefore to receive a letter dated 16th November, offering me two dates, 3rd December and 12th December.

The introduction to this was astounding[35].

*"You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7th November 2016 and visit the MHA Richmond Care Home.*

*We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*

This reaction, with the arrogance it displayed in being able to assess my health without benefit of medical opinion, smelled of some kind of revenge because I had not accepted the November date.

It also ignored the matters that had caused delay, none of which had been resolved.

DELAY CAUSED BY ACCUSATION OF BREACH OF CONFIDENCE

In a letter sent soon after his telephone call in September, Mr. Kitchin accused me of breach of confidence. He sent me a document which effectively stated that I admitted having done this – and requested that I sign it.

This was a signed confession to an alleged breach of confidence which I had no knowledge of.

[34] See appendix P page 1 para 4 "not wait until January"
[35] Appendix Q page 1

The letter had no details except mentioning S.O. 1157, nor did it request any explanation, but instead demanded simply a signature[36].

I can find no authority in Standing Orders for the issuance of a signed confession in this manner, but I am not surprised at that. It seems to me contrary to every element of Standing Orders that follows S.O. 1100 (2)[37].

I shall address this matter in detail later. I mention it here because not only did Mr. Kitchin not send me any detail of why he considered I had breached confidence, but also because I understood from his letter that I was to approach no one else about this matter. This seriously inhibited my research and preparation and caused further delay.

When I saw this "confession", I realised that I would probably not be able to prepare my detailed complaints – there were three – in time for the date of November 15th. In order to do so, the matter of the signed confession would need to be sorted out quickly; this did not happen.

Thus, regardless of my diary, regardless of the different interpretations of the initial telephone call in September mentioning November 15th, the delay caused by the allegation of breach of confidence meant that Mr. Kitchin was largely responsible for the delay in preparation for November 15th.

It was now that I requested that the date of the inquiries be put off until March or April 2017 [38]. I requested written permission that taking sworn statements from various witnesses would not be seen as a breach of confidence[39].

Mr. Kitchin replied to this letter on 1st October. As for my query about taking sworn statements he simply confused matters further and caused even more delay by writing[40]:

"*if you would let me know who you intend to approach I can advise you about whether those approaches would be considered breaches of confidentiality, but in the meantime you make care to read Standing Order 1157 (11) and (12)"*[41]

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[36] There are many references for this, see for example appendix A page 3, bottom of page.
[37] SO.1100(2) "The Church also responds to the call through Christ for justice, openness and honesty,"
[38] Appendix B para 3
[39] Appendix B para 3
[40] Appendix A page 3 para 3
[41] S.O. 1157 reads:
(11) For the avoidance of doubt, a person does not commit a breach of the obligation of confidentiality by:
(i) disclosing confidential material to a person acting as a friend or representative for the purposes of the provisions of this Part or to a member of the relevant district Complaints Support Group;
(ii) disclosing confidential material to another person or persons for the purpose of obtaining pastoral support, provided that if the complaint has gone beyond the informal complaint stage the requirements of clause
(12) below are satisfied.

I wrote to him on October 20th [42] pointing out the difficulties of this.

The question of whom I could approach, in order to ascertain how much any particular person remembered of the events at the circuit meeting of September 2014, was never fully answered.

This carried on until my letter of 5th November [43] where I wrote:

*"Your pronouncements on confidentiality have so far inhibited me from approaching any of the witnesses I have in mind. Further I have some fears concerning the fact that you would consider approaching my witnesses in advance of the inquiry and take a written statement from each. This sounds very much like pressurising potential witnesses.*

*What I had in mind was to make an initial approach to the persons involved, then take written statements which I would present to the inquiry. The persons involved could then be available for interview in a position of being cross-examined on their statements. That is the normal manner of doing things in British justice and I feel it is right for the Methodist Church as well.*

*Simply giving you a list of names defeats the objective – which is to establish facts. Such statements depend on the questions put. Simply having a view of "why we should hear from them" is not enough. What would be your questions if you are unaware of the detail of why I wish to call them? I could, of course, supply you with a list of questions, but the truth often emerges in follow-up questions, after initial answers. And would there be any point in having them at the inquiry – if you have already done all the questioning you think necessary? Surely your role is to assess evidence, not collect it.*

*Since I have been unable to approach anyone due to your reluctance to clarify the matter of confidentiality, I do not know what people remember of certain incidents. I can only rely on witnesses with memories good enough to support the facts of a matter. Thus, I may give*

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[(12) The requirements referred to in clause (11)(ii) above are that:
(i) the name of the person or persons to whom disclosure is to be made must be given to the conducting officer in advance of disclosure; and
(ii) any person to whom disclosure is to be made must agree to treat the disclosed material as confidential.

[42] Appendix J page 4 para 3ff "I would welcome your reassurance that I shall obtain such documents and information as I deem necessary.
'I have received no reassurance from you on this point. As far as I am aware, you have not given the matter any consideration at all – for your proper and fair response should have been either a request for a list of such documents or information, or a blanket assurance that anything I request shall be given to me.
However, until the question of confidentiality is resolved, I find myself unable to give you any information within each individual grievance as to whom I intend to approach and call or which documents I intend to produce.
In order to comply with S.O. 2114, this should all have been done and settled long before a date for the inquiry was fixed.

[43] Appendix L page 2

*you a list of useless witnesses if I have not spoken with them before I compile the list. Demand a list now and I will give you some fifty names."*

I did not receive a reply to this remark. The situation, as Mr. Kitchin made it clear, was that I should tell *him* who my witnesses were and *he* would decide whether to hear them or not. He did not address the problem of there being potentially 50 or so witnesses.

In effect, this meant that the strength of my evidence was to be decided for me. This is contrary to natural justice as I see it.

It took me some time to work on these problems [44].

As for the question of breach of confidentiality with Mr. Kitchin's reference to S.O. 1157 - in early October I still had no knowledge of the incident to which he was referring.

The matter was further complicated by the material on the Methodist Church website.

I had downloaded a copy of Standing Orders from the website on 13th April 2016. The front pages stated that it was the revision of 2013.

It did not contain Standing Order 1157. In fact it ended at 1156. This later led to considerable confusion.

Things became more clear when Mr. Kitchin finally sent me copies of the original documents with his letter of November 16th 2016. The incident to which Mr. Kitchin referred[45] had taken place in August 2016.

I consulted the Methodist Church website regularly and discovered on 11th November that the Standing Orders on the site had changed - and were now the edition published in 2016. I downloaded this second version and discovered S.O. 1157.

From September to November I had been working with the wrong edition of Standing Orders. In those two months *I had asked Mr. Kitchin for help on this matter,* but received none. This I considered to be contrary to Standing Orders[46], poor practice and, indeed obstructive.

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[44] See my confusion expressed in my letter of 4th October, appendix C page 5 "You mention S.O. 1157 – I do not recall that particular order"

[45] Appendix Q page 4

[46] See S.O. 1100 (3) and Bellamy 1.20 Are there any other specific principles that should be borne in mind?
(1) In addition to the general principles already set out at 1.1 above, the complaints and discipline process also seeks to embody the following specific principles:
(a) that the possibility of reconciliation should be explored carefully in every case in which that is appropriate;

Standing Orders[47] stated:

*"help and support should be offered both to the complainant and to the respondent"*

The lack of response from Mr. Kitchin on this caused about two months delay in the inquiry.

I first wrote[48] to Mr. Kitchin asking for help on this matter of S.O. 1157 on October 4th:

*"Your remarks on breach of confidentiality surprise me. I am not aware of having committed any breach of confidentiality. You mention S.O. 1157 – but I do not recall that particular order. The S.O. on confidentiality is surely S.O. 1104".*

In his reply of 8th October he gave no response to this, though he once again requested I send him the signed admission of guilt[49]. Of course, I had already written to him, on October 4th -the letter to which he was responding:

"*I am not aware of having committed any breach of confidentiality."*

- which might have satisfied him as my response, but it clearly did not.

Significantly, he knew at this time that I had no idea of the details, nor the date, of the alleged breach of confidence.

On11th October[50] I asked for help in finding S.O. 1157 – which Mr. Kitchin had quoted as being applicable to breach of confidentiality.

*"I have again looked in Standing Orders for S.O. 1157. I cannot find it. The last one I find is S.O. 1156 – it is about provisions concerning notice. This is a standing order which has some relevance here in that I believe it requires you to notify me of the inquiry date by written notice, sent by first class post or recorded delivery. Perhaps your note of this caused the confusion."*

I later asked Mr. Kitchin to send me a copy of S.O. 1157[51].

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(b) that help and support should be offered both to the complainant and to the respondent at every stage during the process"
[47] S.O. 1100 (3)
[48] Appendix C page 5 3rd para
[49] Appendix page 2 last line
[50] Appendix F page 6 last para
[51] Appendix J page 6 para 5

*"The simple answer to the problem is, of course, that you yourself could provide me with a copy of S.O. 1157. You have witnessed my difficulty in finding it – you might have resolved the matter by simply writing it out for me.*
*As it stands, I have no idea of what S.O. 1157 says and yet you base much of what you say on it."*

He did not send me a copy of S.O. 1157. He never told me the source for his reference to S.O. 1157.

The truth of this matter only came to light when he sent, with his letter of November 16th[52]. the emails which were the basis for the allegation. Only then did I realise that I was working with the wrong edition of Standing Orders.

As noted above, Mr. Kitchin's omission in not helping me find S.O. 1157, after I had asked for his help with it, is, in my mind, contrary to S.O. 1100 (3) (iv):

*"help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process;"*

It seemed more like deliberate obstruction than help.

There were two parts to this problem – the facts of the charge and the basis in Standing Orders for the charge.

Some clarity had first come to the allegation in Mr. Kitchin's letter of 15th October 2016[53] - a month after the original allegation. However, that letter had not clarified where S.O. 1157 was to be found. S.O. 1157 was the documentary basis of the allegation. It was a month later than that when I saw the original documentation and realised where the mistake lay.

This was some two months after Mr. Kitchin first raised the allegation of breach of confidentiality and had requested that I sign the document which he sent to me, which amounted to a confession about this breach of confidentiality. He had demanded that I return the confession, signed, to him by September 27th.[54]

He had also said that because of the breach he would not supply me with any documentation to which I would otherwise have had access. He did this with reference to S.O. 1157 [55], which I was still trying to find.

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[52] Appendix Q pages 4&5
[53] Appendix G page 1 bottom of page
[54] Appendix A page 3 para 5
[55] S.O. 1157 : (3) Subject to clause (4) below, where this clause applies the conducting officer may:
(i) decline to provide the complainant with copies of further documents or

To do all of this without discussion is, I consider, reprehensible and not in keeping with S.O. 1100 (2) :

*"The Church also responds to the call through Christ for justice, openness and honesty,"*

Further, his delay in not sending me the basis for his allegation contravened – on his part - Standing Order 040 (failure to fulfil obligations).

On the other hand, and ironically, the clear implication in Mr. Kitchin's communications was that I *was not adequately fulfilling my obligations* – a disciplinary offence under S.O. 040. If I had signed the document I would also be admitting to being culpable under this second Standing Order.

His demands and his delay were not in keeping with S.O. 1124 (14) [56] in that he did not:

"*ensure that the person concerned has the documents and information necessary to enable him or her to understand the team's reasons and has sufficient time to respond in all the circumstances of the case*[57]*;"*

Nor had he taken into account another clause of S.O.1124 [58] which required him to answer questions such as I had put concerning S.O. 1157.

These two factors – the demand for the confession and the effect that his strictures on confidentiality had on my desire to approach witnesses to the events described in my complaint against Rev Westwood, were the main reasons why the targeted date of November 15th became impossible to meet.

There was another element in this to which I shall return later – my requests for a copy of an email shown at a circuit meeting. I have never been given this email, even though it is central to my complaint against Rev Westwood. Unless I see it, I can only speculate on its contents – *and I do not think speculation should be a part of a*

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further information in connection with the relevant complaint or charge until the complainant has provided a written acknowledgment that all documents and information already received or hereafter received in connection with that complaint or charge are confidential and a written undertaking to comply with Standing Order 1104(7) at all times;
(ii) decline to provide the complainant with copies of further documents or further information in connection with that complaint or charge at all;
(iii) determine that the complainant shall be excluded from further participation in the complaints and discipline process relating to that complaint or charge either altogether or as set out in the determination.

[56] 1124 (14) (ii) ensure that the person concerned has the documents and information necessary to enable him or her to understand the team's reasons and has sufficient time to respond in all the circumstances of the case;

[57] S.O. 1124 (14) (ii)

[58] S.O. 1124 (14) (iii) " take into account any response received from the person concerned"

*complaint.* Once again I believe Mr. Kitchin to be in breach of S. O. 1124 (14) (iii)[59].

After the experiences recounted above, there was now one further factor. From what Mr. Kitchin wrote, I deduced that his approach to the *provenance* of evidence in this matter was not what I expected from the head of a panel of inquiry.

Throughout the process, as I shall demonstrate later, Mr. Kitchin appeared to see no difference between hearsay, hearsay at second or third hand and documentary evidence corroborating written statements. One of the few pieces of factual evidence in the matter – the email flourished by Rev Westwood at the Circuit meeting[60] – appeared to me to be ignored.

I was deeply troubled by this throughout the process and made several references to the Human Rights Act and its relationship with the Standing Orders. Mr. Kitchin acknowledged the relationship as early as October 1st[61]

He claimed that he abided by S.O. 1102 (1)[62] However, his actions over the allegation of breach of confidentiality were not compliant with that S.O.

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BREACH OF CONFIDENTIALITY – NARRATIVE.

Details of the supposed breach of confidentiality.

This matter was no part of my three separate complaints against Rev Westwood, Rev Pruden and Rev Luscombe. In fact, in a sense, it became a counter-claim again me which should have gone through the proper channels in the grievance system.

The alleged breach of confidentiality occurred with an email that I sent to senior circuit steward John Troughton prior to August 24th 2016[63].

[59] S.O. 1124 (14) (iii) take into account any response received from the person concerned
[60] see later
[61] Appendix A page 3 para 2
[62] 1102 General Matters. (1) The principle of fairness set out in Standing Order 1100(3)(v) above means that all persons exercising functions in relation to complaints and discipline must at all times have regard to the further principles that a respondent should:
(i) have an adequate opportunity of responding to the complaint, meeting any charge and dealing with the evidence;
(ii) be treated fairly by any complaints team dealing with the complaint
[63] Appendix Q page 4

The information was passed on to Mr. Kitchin. This may have been in itself a breach of Standing Orders.[64]

This intervention[65], itself contrary to the principles of Standing Orders[66], may well disqualify Mr. Kitchin from being a member of the complaints panel[67], for he received confidential information relating to the complaint. The email to John Troughton was confidential – in accordance with S.O. 040.

However, there is a later incident which may also have caused a breach of Standing Order 1102. This is when an unknown person told Mr. Kitchin of my attendance at two venues on 7th November[68]. This unknown person must be one of three persons – two of whom are acting district chairs and therefore not allowed to contact the head of the complaints panel.

As mentioned above, Mr. Kitchin wrote to me about the alleged breach of confidence with the John Troughton email and requested that I undertake not to breach confidentiality <u>again.</u> I thought the wording of this to be ill-conceived and perhaps captious.

The implication of the undertaking was clearly that *I had already committed a breach of confidentiality* – in reality, it was a confession which he demanded I sign.

He never appeared to grasp this aspect of the wording of the document he sent me.

I considered that I had not breached confidentiality, and that his demand suggested that he was approaching the inquiry with a prejudiced mind. This communication was the first contact he had with me – <u>and I was already found guilty of a breach of Standing Orders</u> – even though I was the complainant. I felt defamed.

If Mr. Kitchin did not have the intention of the document being a signed confession, then he was nevertheless demanding an undertaking that I would work with Standing Orders and not breach a Standing Order.

This was insulting – and further emphasised that he had a prejudiced mind. As a minister of the church I have an absolute obligation to

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[64] See later – Bellamy 13:14 : "A District Chair is not entitled to communicate with members of a connexional complaints team appointed to investigate a complaint"
[65] App Q page 5
[66] Cf. Bellamy 13:15 "In my opinion, it would be improper for a District Chair to communicate with any member of a connexional complaints team and to do so would disqualify that person from continuing to be a member of that complaints team."
[67] Bellamy 4.4 and S.O. 1102 (2)
A person is not entitled to serve as a member of a complaints team if he or she:
(d) has any personal interest in the outcome;
(e) has received in confidence information relating to the complaint;
[68] See later.

work within the limitations of Standing Orders. To suggest otherwise is to suggest that I am not fulfilling my obligations under S.O. 040.

At no time during the four months of the inquiry did Mr. Kitchin ask me for an explanation of this email to John Troughton. This again indicated that his mind was made up. I suspect he thought that my continued refusal to sign it as he wished was a challenge to his authority and an acknowledgment of my guilt.

There is, of course, quite a lot about confidentiality in the 2014 edition of Standing Orders, which was the edition I was working with – but in general it concerns pastoral care.

I thought that the email to John Troughton did not come under such Standing Orders. I believe that whether it comes under S.O. 1157 is a matter of dispute.

Certainly I felt that it came under S.O. 1124 (18)[69] which precludes the use of *extraneous* evidence by the inquiry.

On confidentiality in general, the latest edition of Bellamy – "Complaints and Discipline in the Methodist Church", stated[70]:

*"The primary purpose of the duty of confidentiality is not to protect the Church but to protect those who find themselves involved in the complaints and discipline process. Some complaints relate to matters which have already become public knowledge (e.g. as a result of a criminal prosecution) yet even then the duty of confidentiality will still apply to any information that is not already in the public domain."*

The existence of the complaints and the panel of inquiry set up to deal with them was *common knowledge* in the circuit and was therefore "in the public domain". It is not often that a minister will issue complaints against three of the most senior persons above him. There was gossip.

The details of the inquiry were, of course, not in the public domain, but the fact that the inquiry existed certainly was.

This distinction is clearly made in Bellamy. I kept to that distinction in my email to John Troughton.

As outlined above, Mr. Kitchin demanded that I sign a confession to having breached confidentiality.

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[69] (18) In taking the steps provided by this Standing Order, the complaints team must not come to any conclusion on the facts or merits of the complaint except to the extent necessary to reach the decisions required.

[70] Bellamy Chapter 12 - 12.2

When I finally saw the original documentation for the charge, I offered my argument as to why I had not breached confidentiality.

WHY WAS THE EMAIL NOT A BREACH OF CONFIDENTIALITY?

The supposed breach of confidentiality was an email I sent to John Troughton[71].

I sent this email after long consideration of S.O. 040[72] which deals with ministerial competence. In brief, I thought Rev Pruden's tenure as Superintendent showed his lack of experience and that it would be wrong to have his appointment extended for five years at that moment in time - given the circumstances of the complaint.

Of course, I could not give my reasons to John Troughton, for that would have revealed details of the inquiry.

I further considered that John Troughton already knew of the existence of the complaints – indeed I believe most members of the Circuit know of it[73]. Revealing the existence of the complaints was not therefore a breach of confidence – that particular breach of confidence had occurred long before I sent the email.

As Senior Circuit Steward, John Troughton was obliged to consider whether the District Chair should chair the meeting in question when the subject of the meeting – Superintendent Pruden – was the subject of a complaint.

I think this not ethical. Mr. Kitchin had little regard for the thics promoted in Bellamy. I repeat that in his letter of 15th October 2016 he wrote[74]:

"*The last edition of the Bellamy Guide was published in 2008 and the world has moved on since then..*"

As I have stated above, I regard Bellamy as an important adjunct to the Standing Orders – particularly the opening paragraph[75] with its

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[71] Appendix Q page 4

[72] S.O. 040 of the Standing Orders states:
"Failure to Fulfil Obligations.
Where it is alleged or appears to the Chair that a minister in the active work has persistently or repeatedly failed adequately to fulfil his or her obligations, but there appears to be no ground for a charge under the provisions of Part 11, the Chair may, upon receipt of a reasoned request in writing from the Superintendent, a circuit steward, or any other member of the Circuit Meeting concerned or on his or her own initiative, request the Chair of another District to appoint a Consultative Committee to consider the matter"

[73] Which may account for how Mr. Kitchin learned of my attending the Fellowship meeting and the MHA – see later.

[74] Appendix G page 2 para 4

[75] BELLAMY: 1.1 What are the overarching principles for dealing with complaints and discipline?
The overarching principles which guided the drafting of the present Standing Orders on complaints and discipline, and which should act as a guiding light to their interpretation, are that:
'(1) The need of the Methodist Church for a complaints and discipline process stems from the imperfect nature of human beings. The Church is a fallible community and its members on occasion behave in

call for justice openness and honesty. I replied to Mr. Kitchin to that effect[76].

I should add here that in apportioning responsibility for this incident, Mr. Kitchin should not shoulder all the blame. It is true that the wording of the statement he wished me to sign was unfortunate, accusing me, as it did, of being in breach of two Standing Orders. However, we must bear in mind that he is a not a minister of the church and will no doubt not be as familiar with standing orders as, for example, a District Chair is.

This matter would never have arisen if I had been consulted about the email to John Troughton before it was sent to the Secretary to Conference. I had an explanation for my actions which may well have satisfied him.

The true cause of this problem, which lies at the heart of the inquiry, is not Mr. Kitchin's demand for a confession, but the *authority behind the assertion* contained in the email from John Troughton.

This was not an innocent contribution to evidence for the inquiry, which concerned Revs Westwood, Pruden and Luscombe; in fact it was a deliberate attempt to damage my reputation in the minds of the members of the inquiry.

This in itself is a breach of natural justice – one which is not allowed in our civil and criminal courts.

Most significantly, my reasons for sending the email was not explored. *I was not given any opportunity to defend myself*. I feel certain that the Secretary to the Conference was not aware of this aspect of the matter.

<u>In fact, as the matter stands, my reputation is unjustly blackened in the mind of the Secretary to Conference.</u>

My email to John Troughton had, as its basis S.O. 040. I did not mention this because I did not wish to urge any course of action. I merely wished to inform him and thereby remind him of his obligations.

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ways which are damaging to themselves and others and which undermine the credibility of the Church's witness. A complaints and discipline process is one of the means by which the Church recognises that all human beings are made in the image of God and are entitled to be treated as such, and by which it maintains its witness to the new life to which we are called through Christ.
'(2) Through the complaints and discipline process members of the Methodist Church are accountable to the Church in matters of faith and behaviour. The Church seeks to enable healing and reconciliation to take place through that accountability whenever possible. The Church also responds to the call through Christ for justice, openness and honesty, and to the need for each of us to accept responsibility for our own acts.'

[76] Appendix I page 1, para 5 "And to dismiss the over-arching Bellamy principle that reconciliation should at all times in the process be looked for is difficult to comprehend"

I replied at length to Mr. Kitchin's accusation and his demand for a confession, in my letter of 20th October.

I wrote first about the principle of confidentiality:[77]:

*"I did not receive a reply to this email, nor, as I understand it, was the question raised at the invitation committee.*

*However, matters which require confidentiality may be introduced to the invitation committee through the proper channel – which was Mr. Troughton, the Senior Circuit Steward – and they can then remain confidential within the invitation committee.*

*Whoever brought this email to light is the person who breached the confidentiality of it."*

I then moved to support my case on the grounds of S.O. 040:

"*As for the content of the email and its relevance to confidentiality:*

*First, do you deny that there was an investigation which involved considerations relevant to Rev. Pruden at that point in 2016?*

*Second, do you deny that John Troughton has a right, and indeed a duty as Senior Circuit Steward, to raise a point of information at the invitation committee in question with reference to this investigation?*

*Third, do you consider it wise to have kept the Circuit ignorant of the background while extending the appointment of Rev Pruden as Superintendent Minister for a further five years?*

*Do you not think that the invitation committee was unwise not to even consider this matter themselves and present a report on this to the Circuit meeting?*

*For my part, even though I may eventually accept that Rev. Pruden was completely innocent of impropriety, once all the facts are known, most people might consider it unwise for the Circuit to proceed with such matters when investigations, such as are ongoing in this case, are still proceeding.*

*Is it a breach of confidentiality to raise, within the Church, such a question - which may impinge on the integrity of the Church?*

*You may note however, that I did not rush precipitately into this argument. The proper channel for this was John Troughton. I asked him*

[77] Appendix I page 7 second half of page.

*to make the query in the hope the Rev Pruden might attempt to reassure me and seek reconciliation even at this stage."*

This view was largely based upon Standing Orders concerning failure to fulfil obligations.[78] I considered that Rev Pruden had not fulfilled his obligations as Superintendent - in particular to three particular churches in the District.

There was a quandary; stewards have rights to certain information, particularly when the integrity of the Church is involved.

A "reasoned request", from a circuit steward to request that a chair from another district intervene, (which is allowed in the Standing Orders[79]) could only be possible if the steward in particular was aware of the problem.

It would be wrong to deny him his right to consider this.

I was not suggesting that John Troughton take such action, but I was giving him enough information to allow him to consider his duties in this respect and decide whether he should take such action.

I did not give *details* of the complaint – that would have been a contravention of S.O. 1157.

I thought that the only rational position to take in the circumstances was to delay the appointment until the question of Rev Pruden's obligations was settled.

However, I did not recommend this, for I consider the responsibility for the decision in this to be that of John Troughton.

In spite of this explanation sent to Mr. Kitchin on 20th October, in his letter of 4th November Mr. Kitchin again wrote[80]:

*"Sign and return the written undertaking previously sent to you"*

Mr. Kitchin simply ignored the possible conflict between S.O. 040[81] and S.O. 1157.

[78] STANDING ORDER 040 Failure to Fulfil Obligations. (1) Where it is alleged or appears to the Chair that a minister in the active work has persistently or repeatedly failed adequately to fulfil his or her obligations, but there appears to be no ground for a charge under the provisions of Part 11, the Chair may, upon receipt of a reasoned request in writing from the Superintendent, a circuit steward, or any other member of the Circuit Meeting concerned or on his or her own initiative, request the Chair of another District to appoint a Consultative Committee to consider the matter.
[79] S.O. 040
[80] Appendix YY page 2 last line.
[81] Standing Orders page 299

This, in my opinion, was simply slapdash – and contrary to his duties as leader of the inquiry[82].This should be considered under S.O. 1100, for I believe it is *prima facie* evidence that Mr. Kitchin, for all his qualities and distinction elsewhere, was not competent to conduct this inquiry.[83]

The matter of the supposed breach of confidentiality has still not been settled[84]. As late as my letter of December 1st I was still asking to have clarification on the matter of the breach of confidentiality[85].

As I understand it, Mr. Kitchin still holds to the view that I committed such a breach, though I note that he no longer demands I sign the confession about it[86].

BREACHES OF HUMAN RIGHTS.

1. COERCION IN DEALINGS.

Mr. Kitchin accompanied his demand for a signed confession with the threat to cut off all access to documentation[87].

He wrote:

*"We also remind you… that if you do not return the written undertaking about confidentiality by noon on Thursday 24 November 2016, the powers under Standing Order 1157 (3) may be used:*

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[82] S.O. 1124 (14) (iii) " take into account any response received from the person concerned"
[83] S.O. 1100 (3) (iv) and Bellamy 1:20 (1)
In addition to the general principles already set out at 1.1 above, the complaints and discipline process also seeks to embody the following specific principles:
(a) that the possibility of reconciliation should be explored carefully in every case in which that is appropriate;
(b) that help and support should be offered both to the complainant and to the respondent at every stage during the process;
(c) that the person or body making the decision at each stage should be competent to do so;
(d) that there should be no difference in principle in the way in which complaints against ordained and lay people are dealt with.
[84] See as example appendix G page one last para – letter from Mr. Kitchin dated 15th October.
[85] Appendix X - In reply to your letter dated 29th November
1. "I note that you have not named the person, or persons, who informed you that I attended a meeting at Sackville Road and then attended the Richmond home on 7th November."

I fear we cannot progress until you satisfy me on this point. It seems to me that there has been a breach of confidentiality in your obtaining this information. What is more, that information must be hearsay – and is probably at second hand. I do not think that it is right for you to progress on hearsay evidence, particularly when I do not know the person giving that evidence.

Either someone approached you with the information or, you approached someone.

If, as I suspect, your informant is one of the respondents in my three complaints, then the inquiry must allow me to submit further evidence in my complaint against that person.

You may claim that your source is not one of the respondents – in which case can you please explain how someone who should not have known that my illness was an issue in the schedule of the inquiry came to know that my health was of interest to you? How did such a person even know how to contact you?
[86] See Appendix Q page 2, bottom line -letter dated 16th November, where it is referred to as "written undertaking on confidentiality."
[87] See above and appendix Q page 3 para 2

*(i) decline to provide the complainant with copies of further documents or further information in connection with the relevant complaint or charge until the complainant has provided a written acknowledgment that all documents and information already received or hereafter received in connection with that complaint or charge are confidential and a written undertaking to comply with Standing Order 1104(7) at all times;*
*(ii) decline to provide the complainant with copies of further documents or further information in connection with that complaint or charge at all;*
*(iii) determine that the complainant shall be excluded from further participation in the complaints and discipline process relating to that complaint or charge either altogether or as set out in the determination."*

Since the document referred to as 'an undertaking' contained an admission of guilt, this was, in fact, coercion.

I could find nothing in Standing Orders which allowed him to so issue a demand linked with such a threat. Indeed, it led me to consider what was meant by "natural justice" which is central to the Methodist Church's complaints procedure[88]. S.O. 1157 contains nothing relating to coerced confessions of guilt.

I had already referred to the Human Rights Act. Mr. Kitchin now wrote in reply:[89]

*"The Act does not.. apply; nevertheless the principles of Article 6 are reflected in Part 11 Standing Order 1102 (1)"*

Those principles include a right to an independent and impartial tribunal – I saw little of this throughout this affair.

Although the Methodist Church is technically not subject to the Human Rights Act, *it aligns its decisions with that Act*. This, of course, is exactly what the British executive and the legislature does in government. It is captious to simply claim that the Human Rights Act has no *general* influence on decisions within the church, but only *on one standing order*.

Parts of my correspondence with Mr. Kitchin concerned simple basic rights in British law which applied no matter what any particular Standing Order might state.

There was primarily the right to fair trial process. In this case there were two particular elements to this:

[88] See above and Bellamy 1.19 (2) Standing Orders seek to ensure that natural justice is at the heart of the procedures on complaints and discipline
[89] Appendix A page 3 second para

FAIR TRIAL PROCESS - ACCESS TO DOCUMENTS.

In my letter of October 4th I discussed again the principles in article 6 of the HRA. I wrote that my concern was:[90]

"*my right to obtain certain documents and other such evidence without let or hindrance*"

I had not been granted access to the email to John Troughton which is mentioned elsewhere.

Further, I had not been granted access to the email which Rev Westwood used to take over the meeting of September 2014. I shall return to this email later.

FAIR TRIAL PROCESS – ACCESS TO WITNESSES.

In the complaint against Rev Westwood there was the possibility of introducing eye witnesses to the events mentioned about a Circuit meeting in September 2014.

I believed that the inquiry, in seeking best evidence, should have the ability to hear from such eye witnesses. As mentioned above, I proposed[91] on November 5th that I choose witnesses, take statements and present them to the inquiry – allowing the inquiry to act in whatever way was proper after that.

I received no reply to this – though Mr. Kitchin had earlier written in his letter of 4th November[92]:

"*Advise me whether there are other people you think may be able to help us (and their names, contact details and why we should hear from them) so that we can consider contacting them for a written statement. We may also need to interview them."*

Under UK law, a demand by the Crown Prosecution Service that a defence team submit a list of persons they intended interviewing, with reasons for doing so, thereby allowing the CPS to vet them and introduce the possibility that they, or some other agency, might interfere with their evidence, would be regarded by our courts as a breach of article 6 of the Human Rights Act.

[90] Appendix C page 3 bottom para
[91] Appendix L, page 2para 4 ff
[92] Appendix YY page 2 next to bottom para

I consider it therefore against the "natural justice" that the Methodist Church upholds such a system in its complaints procedures. There must be no possibility of coercion of witnesses.

What might these eyewitnesses have told Mr. Kitchin? Some of them sent me letters prior to the complaints process beginning. Because of procedural difficulties introduced by Mr. Kitchin I was not allowed by Mr. Kitchin these witnesses to the inquiry. Some of the views expressed were[93]:

*"I am writing to applaud you for speaking out so boldly at the Circuit Meeting."*

*"I just want you to know that I feel so upset to hear this, and just can't understand."*

*"You have every right to feel a deep sense of injustice about the manner in which the circuit team dealt with your offer to act as caretaker minister of the three Bexhill churches."*

*"There is very considerable support for you throughout the local Methodist congregation and a real feeling of resentment and indeed anger, towards the Superintendent Minister and his supporters."*

*"I find it hard to believe that Christians can behave in such an un-Christian like manner but then I realise that Satan is very much at large"*

THE WESTWOOD EMAIL.

My complaint against Rev Westwood rested largely on the content of an email which she flourished to the members of the Circuit meeting of September 2014, but of which the contents have never become determined.

I repeatedly asked Mr. Kitchin for this document[94], but never received it. Nor did I receive any assurance that it was being considered in the inquiry. I pointed out that the document was the property of the Methodist Church – not of Rev Westwood personally. As such it was document of record. It should be in the Circuit's archive – but it is not. One must wonder why this is so.

In particular I referred to this document in my letter of October 20th : with a request:

"*Further, if you cannot supply me with a copy of this email, do I have your permission to request a copy from Rev Westwood?"*

[93] Appendix ZZ – identification of sources is blacked out for reasons of confidentiality.
[94] See in particular the whole of page 4 of my letter of 20th October – appendix I

I never received a reply to this request – unless it is in Mr. Kitchin's letter of 24th November [95]:

"*you are entitled to the documents produced by the respondents and in their turn, they are entitled to yours. You are not entitled to any other documents which the team may hold*".

This did not answer my question.

The simple fact is that the document in question is central to the very meaning of my complaint against Rev Westwood, in that it defines her role at the meeting.

Judgement of her conduct in the meeting of September 2014 depends on the content of the email she held in her hand. I worked on the assumption that what she claimed it contained at that meeting was the truth. But there were other possibilities.

This matter suggested to me that Mr. Kitchin was less concerned with documentation which independently established facts than listening to second hand hearsay without corroboration[96].

If Mr. Kitchin has had difficulty in locating this email, the matter raises another questions – *did it ever exist and if it did, is there a cover-up going on about its contents?*

I take no position on this. Unless something emerges to the contrary, I must take it that what Rev Westwood said regarding this email at the meeting of September 2014 was truthful. However, in the light of my detailed complaint against Rev Westwood, Mr. Kitchin should be exploring all possibilities.

His attitude on this email seems similar to his attitude on the John Troughton email[97] – which he delayed sending me for some two months. He does not care to consider signs of malpractice in the *respondents* – only in the complainant..

There occurred another incident which underlined this criticism of Mr. Kitchin's conduct in this inquiry.

BREACH OF CONFIDENTIALITY - Breach by the respondents.

[95] Appendix U page 1para 4

[96] I refer again to S.O.1100 ( c) which I again think applies.

[97] Nov 4th – see appendix Q

On November 4th 2016, Mr. Kitchin sent me a letter which contained not only the John Troughton email but also the accusation[98]:

*"You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7th November 2016 and visit the MHA Richmond Care Home.*

*We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*

This was an astounding accusation.

It was true that I had visited the two places on that Monday – only sixteen days after leaving hospital and against my doctor's advice.

The first venue was a long term commitment which I felt bound to fulfil; I spoke for, at most, six or seven minutes, and then had to sit down to rest.

My visit to the Richmond MHA was similar – I simply sat in a chair resting whilst I was there.

Although Mr. Kitchin had not been at either venue, he took it upon himself to

a) decide on my health in place of my doctor – who had told me not to do anything strenuous.
b) Reached a conclusion about my health from hearsay evidence given by persons who had been at the venues.

Since none of the three respondents in the inquiry were at either venue, it followed that there had been a breach of confidentiality.

The important question here was - *how had the information come to Mr. Kitchin? And why did he accept the information, poassing it on to his two colleagues on the panel?*

I replied in my letter of November 18th[99]. In particular I asked Mr. Kitchin[100] :

"*How did anyone attending the Sackville meeting know that you were in charge of an enquiry into grievances that concern me? Did they contact you? Or did you contact them? Who are these people? On what basis was contact made?*

[98] Appendix Q page 1

[99] Appendix S
[100] Appendix S page 1

*Did a person, or persons, telephone you or did you telephone them? What right did they have to do so? No person involved in this matter was present at the Sackville meeting*[101]*. This evidence is therefore second or third-hand hearsay – which should be no part of your inquiry."*

How, in fact, did anyone at either of these two venues know that *my health* was an issue in the inquiry?

In contrast to the accusation that I had breached confidence with the Troughton email, in *this* case, a detail of the inquiry had been given out – *the name of the lead person in the inquiry and the fact that my health was causing problems for the inquiry.*

That information was not common gossip.

Mr. Kitchin has made no response whatsoever to these two important questions.

It seems to me that the inquiry has proceeded with the panel hearing hearsay evidence with no provenance, and without me being able to answer the accusations contained in such evidence.

I had already begun to question Mr. Kitchin's ability to assess the provenance of evidence. But this latest accusation and the decision about my health was outrageous. He seemed to accept *without question* second hand or third hand hearsay evidence. He did not appear to have investigated the source of such testimony, nor any source of corroborative evidence in any documentary form.

It seemed to me that he was relying on evidence about my health from someone who did not like me and who had attended the venues in question. It was malicious gossip at its very worst.

His approach was in no way aligned with Standing Orders.

The proof that Mr. Kitchin actually *believed* this hearsay evidence lies in the fact that he stated that he was moving the dates of the inquiry back into December from January, as had been agreed after my initial illness.

It was an emotional response, an abuse of his powers and one which has no place in the complaints procedures of the Methodist Church. It was clearly designed to put pressure on me, even though I was ill.

It was another form of coercion.

[101] Nor at the Richmond home.

As for the apparent breach of confidentiality by one of the respondents, Mr. Kitchin's response to my letter of November 18th was: [102]

"*The complaints team is entitled to speak to whoever it wishes and does not breach confidentiality in the process*"

This was a captious response, not worthy, yet typical, of him.

He did not answer the question about how anyone at either meeting knew that *he was the lead of the panel* dealing with these grievances and that *my health was an issue.*

He chose instead to mention something *that was not in question*.

If *he alone* made the inquiries, as he seemed to suggest, then he must have had spies following me around – I think this unlikely.

*Someone informed on me* and since none of the respondents was present at the two venues, it was someone not in the complaints process who approached Mr. Kitchin, *either directly or through one of the respondents*.

This was not a situation in which Mr. Kitchin had simply approached someone.

Yet this, apparently was what he was suggesting. It was underhand practice.

Logic dictates that:

(a) someone told a person (or persons) at the two meetings that such evidence about my health would be of interest to Mr. Kitchin - as the lead in the inquiry.
(b) that person then told Mr. Kitchin's source that I had been present.
(c) the original informant at the venues could not have been one of the respondents - since none of them was present.
(d) Mr. Kitchin did not know the people at the two locations.
(e) Therefore his only contact in this would be one of the respondents.
(f) It follows that one of the respondents told him of the incidents.
(g) One of the respondents had therefore committed a breach of confidentiality by informing the original informant that such

[102] Appendix U

would be of interest to the inquiry – and in particular Mr. Kitchin. This leaked *details* of the inquiry.

The logic of this was all contained in the information that Mr. Kitchin received. Yet he made no comment.

It seemed that one of the respondents had actually been asking around to see if I was ill or not – breaching confidentiality of the inquiry in the process[103]. Yet Mr. Kitchin simply used the information he received to *accuse me of not being ill.*

Frankly I wanted nothing to do with an inquiry which will accept evidence with such poor provenance. And I cite S.O. 1102 in this[104] - in that I have not had adequate opportunity to properly support my complaint, I have not been treated fairly and I have not received the required principle of fairness in dealing.

Most people would consider that I have been treated as an unwanted whistle blower.

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[103] By interviewing witnesses we might discover the truth of this.

[104] 1102 General Matters.
(1) The principle of fairness set out in Standing Order 1100(3)(v) above means that all persons exercising functions in relation to complaints and discipline must at all times have regard to the further principles that a respondent should:
(i) have an adequate opportunity of responding to the complaint, meeting any charge and dealing with the evidence;
(ii) be treated fairly by any complaints team dealing with the complaint; and
(iii) receive a fair hearing from any church court which is to decide whether any charge is established.

ONE GRIEVANCE OR THREE?

This particular matter delayed and confused our correspondence from September through to December 2016. However, I cannot claim that it delayed matters much, *because I determined at an early date that I had to proceed in a certain way in order to be in accordance with Standing Orders, despite what Mr. Kitchin wrote to me.* So, in effect, I carried on regardless.

The core argument typified the attitude that Mr. Kitchin took to this inquiry.

He relied upon Standing Order 1132(2)

"*The chair's preliminary case management powers are to give directions:*
*(iv) that charges against more than one respondent (including charges where conduct has been referred by the complaints team under Standing Order 1124(13)) be heard together."*

To take this Standing Order as self-authenticating without reliance on the principles behind Standing Orders, is *irrational.*

What if, for example there were charges by me against a hundred respondents? - would it be right or reasonable to hear all of them together? Or would it be acceptable to hear fifty such charges together – or twenty – or even ten?

Would it be reasonable to hear ten charges together against ten respondents when the substance of the charges was *each different to all the rest, with different evidence, different witnesses?*

And exactly what does "heard together" mean? Does it mean that the *submission* by the complainant must cover *all the charges* together, be they ten, twenty or more, in the one *single* submission so that the panel can hear them together?

And further, if there are ten such charges pulled together to be heard, is the complainant to cover all ten charges on the two sheets of A4 paper which Mr. Kitchin demanded of me?

Such Standing Orders as 1132 rely heavily on the principles set out which should guide the leader of a team in deciding whether or not to hear all complaints which have a common complainant in one session or two – or however many may seem reasonable in the circumstances. And indeed Mr. Kitchin had the discretion to do this.

Standing Order 1133 (9) (a) states:

*"The chair of the committee at his or her sole discretion may adjourn a hearing from time to time for a period not exceeding one month, unless the grounds of the application for the adjournment are such that, if an adjournment is granted, it should be for a longer period. The date and time when the hearing is to be resumed must always be stated.*
*(b) More than one adjournment may be granted in any case."*

This Standing Order allows him the discretion that is required by Bellamy's principles of fairness.

Of course, as we have seen, Mr. Kitchin places no importance on the over-arching principles behind the Standing Orders – Bellamy. Mr. Kitchin, you will recall wrote[105]:

"*The last edition of the Bellamy Guide was published in 2008 and the world has moved on since then..*"

This attitude led him into an impasse on the question of whether this was one complaint or three.

I was first alerted to this problem of the three complaints when Mr. Kitchin phoned me at some time in September and I understood from the conversation that the inquiry was to take some two hours and that a single report would be given.

At that time, I still understood that the complaints were to be dealt with separately. Rev Bolton wrote to me as early as April 2016 – when the grievances became formal. He mentioned the word "complaints" twice[106].

Rev Chapman, the local complaints officer had similarly mentioned "complaints" in his letter to on 5th April 2016[107].

This followed the fact that I had issued three separate grievances[108].

I, of course, knew the depth of the detail of the three complaints. I not only considered that a few hours on one morning was insufficient to present evidence on all three, *I considered it insufficient to properly conduct investigation of <u>even one</u>.*

[105] Appendix G page 2 para 4
[106] Appendix SS lines 1 and 4.
[107] Appendix 00 heading
[108] Appendices HH, II JJ.

I think that the question of one or three grievances was first raised in my letter of October 11th to Mr. Kitchin in which I was writing about my non-availability on November 15th [109]:

"*The problem therefore arises as a consequence of you not checking back with me once you knew that the other participants would be available for the November date. I repeat that I do not see how I can adequately prepare for the inquiry by November 15th. Further, if I had had time to reflect on the matter during our telephone call, I would have realised that tackling three separate grievances within this time limit would likely be impossible."*

Mr. Kitchin did not address this problem in his letter of 15th October[110]. He referred to the "complaints[111]" and outlined the procedure he was following. He required:

*"a succinct summary ( no more than two A4 pages) of the points you wish to make[112]"*

He added:

*"you will be able to address the team but not to provide a repetition of what you have already submitted[113]"*

and

*"it is also likely that we will indicate a time limit for any verbal statements[114]".*

Although the lead member of an inquiry has powers and discretion, I am not aware that restrictions such as these are contained in Standing Orders, and I believe that they are not aligned with the principles of justice contained in the over-arching principles. In short such time limits are not fair. One might argue that they are a gagging device.

More to the point – I considered it impossible to continue to try to obey Mr. Kitchin's limitations on my complaints *and receive a fair outcome to the process.* So from October 15th onwards, Mr. Kitchin and I were on different tracks: he holding to his selection of Standing Orders and his interpretation of them – and I to the principles of justice and fairness.

Further strictures which he issued did not help to reconcile us.

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[109] Appendix F para 7
[110] Appendix G
[111] Appendix G page 2 para 2
[112] Appendix G page 3
[113] Appendix G page 1 para 4
[114] Appendix G para 4

In his letter of 4th November Mr. Kitchin wrote[115]:

"*My suggestion is that we allocate 10 minutes for you to present your complaints and up to 5 minutes at the end for you to summarise your position. From experience this is a fair amount of time for the Team to undertake its work."*

Fair to whom? Certainly not to me.

I already knew that my submissions would be longer than two A4 pages. In fact the complaint against Rev Westwood was 24 A4 pages as I printed it in Bookman Old style 12 point. The detailed complaint against Rev Pruden similarly was some 12 pages long – and that against Rev Luscombe was 6 pages long.

It seemed to me that I was expected to reduce these three complaints – 42 pages long - to two A4 pages.

If I attempted to expand these A4 pages by a verbal contribution, I was to be subjected by Mr. Kitchin to a time limit.

I was to be given just 120 seconds or so to argue each complaint. At three words per second, this came to 360 words per complaint.

This, I thought did not fulfil the desire of the Methodist Church for justice, openness and honesty in the complaints procedure.[116] Nor did it seem like "natural justice" to me[117].

In fact, I thought it nonsense. It fitted in with other aspects of the matter which prompted me to believe that Mr. Kitchin was determined to *run my case for me* and that, considering certain matters such as the breaches of confidentiality and his assessment of my health, *he was already prejudiced against me*. I tried to see a positive in this and a good in it – but I failed.

<u>The simple fact is that Mr. Kitchin did not need to complicate matters by insisting on considering the three complaints all at the same time.</u>

However, it was his decision to take and he would not be swayed from it.

There were ancillary problems which arose along the way.

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[115] Appendix YY page 2 para 2
[116] Bellamy Chapter 1, para 1.1 " The Church also responds to the call through Christ for justice, openness and honesty, and to the need for each of us to accept responsibility for our own acts."
[117] Bellamy 1.19 (2) Standing Orders seek to ensure that natural justice is at the heart of the procedures on complaints and discipline. Even when Standing Orders do not state explicitly that the principles of natural justice apply it is nonetheless to be inferred that they do. The rules of natural justice apply equally to respondents and complainants.

One was in my letter of November 5th[118] I added a further point:

"*One simple question arises, which you must appreciate. You request a copy of my statement of grievance. Do I prepare one such statement – or three? If I arrive at the inquiry with three – will you refuse to read two of them? If I propose witnesses for three separate grievances – will you only hear from those concerned with one*?"

Even so, I was shocked when I received Mr. Kitchin's final word on this was in his letter of 24th November 2016[119] :

*"The three complaints are being handled separately but as you are the complainant common to each respondent, there will be one report at the end of the process."*

I considered this ill-advised. I do not know of any Standing Order which allows one single report to be written about three separate complaints. S.O. 1132 only allows for the *hearings* to be held together, not for all those hearings to be considered and summarised into one report.

Such a procedure can lead to unjust treatment of respondents – for the evidence from one can taint the evidence of another.

In this particular case, the three respondents might not always agree with each other. There may not be "a common front".

I already considered that there might be conflict within the three respondents.

I considered that Rev Luscombe's actions towards me, though incorrect, were due to him being mis-informed about my conversations with Rev Pruden. In effect, Rev Luscombe was guilty only because he was given false information – and when he realised this, I thought he would be reconciled with me over the matter.

Further, there was some reason to believe that Rev Westwood had usurped Rev Luscombe's responsibilities regarding the meeting of September 2104. Prior to that meeting, Rev Luscombe had handled the entire matter of the invitation of Rev Pruden[120] and the question of the three churches. At the meeting where the decision had taken place, Rev Westwood had taken over – without showing any proof that she had been detailed to do so[121], nor did she claim to have informed Rev Luscombe of her intentions.

[118] Appendix L page 4 ff
[119] Appendix U middle of page
[120] Appendix MM 1.2
[121] See argument about the email she flourished which, she claimed, was her authority to intervene.

I thought that these potential differences among the respondents would not be explored if there was a single report. This might mean that Rev Luscombe might be unjustly included in any condemnation of the other two.

I mentioned this to my friend Peter Hill just before I was again taken into hospital on 3rd December 2016. I later asked him to inform the panel of my consideration on this – he misunderstood and sent an email to Rev Bolton, not Mr. Kitchin. His rendition of my thinking was[122]:

*"Peter always told me that what he wants is a reconciliation meeting. The three persons concerned have refused such. Last Friday, just before his collapse, Peter said that he thought Rev Luscombe might attend such a meeting. He was going to mention it to someone, perhaps you. His reasons for this were that he thought Rev Luscombe had been given false information and was generally innocent of major wrong-doing."*

In summary of this question of how many complaints should be handled in one inquiry, I feel that the Standing Order needs expansion in order for it to more easily align with the principles of the Methodist Church. If any Standing Order exemplifies that standing orders are not self-authenticating[123] it is surely Standing Order 1132(2).

My greatest concern in this was that I considered that putting the three respondents together in one inquiry obstructed the chances of reconciliation that I had with at least one of them.

Reconciliation has been a prime concern for me throughout the whole affair.

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[122] Appendix XX para 4
[123] Standing Orders Vol one (iv) in 'Foreword to sixth edition' para 2 line 3
" Standing Orders are not self-authenticating. The authority to issue them is derivative, and it derives from the truly central constitutional document of the Methodist Church – the Deed of Union"

RECONCILIATION

I raised the matter of reconciliation in almost every letter I wrote to Mr. Kitchin. His reply was in his letter of October 15th[124]:

"*The complaints team is required to consider the prospect of reconciliation but this comes at the end of our investigation, not before it. After my initial assessment (see SO 1123 (5), the only alternative procedures available to the team are stated in SO 1123 (6) and do not include consideration of reconciliation at that stage. On completion of its work the team under SO 1124 (7) considers questions in the specified order. This includes reconciliation. "*

Standing Order 1124 (7) [125]makes no reference to reconciliation. However, clause (8)[126] of the same Standing Order does – yet I can see no part of clause eight that specifies that reconciliation between the parties cannot take place during the inquiry. That would appear to be Mr. Kitchin's own interpretation of the Standing Order.

Indeed S.O. 1100[127] implies the opposite, stating as it does:

*"the church seeks to enable healing and reconciliation to take place ..whenever possible".*

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[124] Appendix G page 2 para 3

[125] SO 1124 (7) When the complaints team is satisfied that it has taken all necessary and proper steps, the members must meet and consider (as far as necessary and subject to the provisions of clause (8) of Standing Order 1102) the following questions in the following order:
(i) whether or not there is merit in the complaint, could the situation be helped by some form of reconciliation?
(ii) if not, should the complaint be dismissed on one of the grounds specified in clause (10) below?
(iii) if not, so that further action is required, which of the courses specified in clause (11) below should be followed?

[126] (8) If the complaints team is of the opinion that a form of reconciliation agreed by the complainant and the respondent would help the situation, the team must consider with them whether a form of reconciliation which the team believes is suitable in all the circumstances can be agreed. A suitable form of reconciliation may, but need not, include any of the following:
(i) an acceptance by the complainant and the respondent that the other person has honestly interpreted admitted facts differently;
(ii) an admission of fault by any person;
(iii) an acknowledgment by the complainant or the respondent of hurt inflicted on or loss suffered by the other;
(iv) a commitment by the complainant or the respondent not to repeat conduct which has caused hurt or loss;
(v) a commitment by the complainant or the respondent to take or not to take certain action;
(vi) an offer of appropriate restitution by the respondent, where possible;
(vii) an agreement by the complainant and the respondent to meet face to face;
(viii) an agreement by the complainant and the respondent to participate in a formal act of forgiveness and reconciliation.

[127] S.O. 1100 (2) Through the complaints and discipline process members of the Methodist Church are accountable to the Church in matters of faith and behaviour. The Church seeks to enable healing and reconciliation to take place through that accountability whenever possible. The Church also responds to the call through Christ for justice, openness and honesty, and to the need for each of us to accept responsibility for our own acts.
(3) The complaints and discipline process therefore seeks to embody the following

“Whenever possible” surely includes “during a complaints process.”

I still stand ready for reconciliation – indeed I urge it.

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NATURE OF THE PROCEDURE.

When this grievance procedure began, I thought I knew the stages of the procedure[128] with complaints. Somehow, stages 5 and 6 vanished.

When Mr. Kitchin first contacted me, I had gone through the local informal stage and the first formal complaints stage. I had before me the referral to the Connexional complains panel (led by Mr. Kitchin) then the disciplinary hearing, a disciplinary hearing *appeal* - and finally an appeal to the Methodist Conference.

Mr. Kitchin had a different interpretation of this and he and I never fully came to an agreement on the procedure. He never mentioned stages 5 and 6.

For example, in his letter of November 29th 2016 he wrote[129]:

"*Please note that the complaints team will reach a conclusion on Monday 12 December, whether or not you are present. This means that we will proceed to a final determination of the matter from which you as the complainant have no right of appeal – S.O. 1126 (2) applies in this case."*

The Standing Order is clear on this[130]. However, as I have noted elsewhere, no Standing Order is self-authenticating.

The day after I received Mr. Kitchin' s letter on this, on Saturday 3rd December[131] , I was in an ambulance and being admitted to the Conquest Hospital in Hastings. I returned home two days later with instructions to recuperate for at least a week.

As with his earlier pronouncement on my health[132], Mr. Kitchin again took it upon himself to decide that I was fit enough to comply with his decision regarding the inquiry, even though my doctor said I should not.

Is it just to apply S.O. 1126 in such circumstances?

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[128] Bellamy 1.24 What are the stages in the procedures for dealing with complaints and discipline?
(1) There are six possible stages to the complaints and discipline procedures.86 These are:
(a) stage 1 – the local informal stage
(b) stage 2 – the First Formal Complaints Stage;
(c) stage 3 – the Referral to the Connexional Complaints Panel;
(d) stage 4 – the disciplinary hearing;
(e) stage 5 – the disciplinary appeal hearing;
(f) stage 6 – the appeal to the Methodist Conference.

[129] Appendix W page 20 last para.

[130] S.O. 1126 (2) No appeal may be brought against a decision that a complaint should be dismissed if the complaint was referred to the connexional Complaints Panel by the complainant rather than the local complaints officer.

[131] Three days after receipt of Mr. Kitchin's letter

[132] See above re matter of my attending Sackville Road and MHA Richmond - and appendix Q page 1

Is that why this Standing Order 1126 was written?

Does it really apply to all circumstances – including a man who is recuperating from a serious illness?

I considered that this flew in the face of the ethics and principles of the Methodist Church as expressed in Bellamy[133] - who makes it clear that there should always be allowance made for illness.

Not only was I a key participant in the matter, but I was seriously ill. There had been unavoidable delay in securing vital evidence – most of it due most to the actions of Mr. Kitchin[134], but also there had been unavoidable delay elsewhere. Further, there was ample reason to claim that an extension was necessary in order to deal with the matter fairly.

Mr. Kitchin was having none of this.

He had claimed[135] that I had had two years in which to prepare for such an investigation. He was forgetting that I had spent those two years trying to achieve, informally, a reconciliation with the respondents over this matter.

Even after the complaints became formal in January 2016 I continued to seek reconciliation – as it behoves all Methodist ministers to do.

Until Mr. Kitchin's telephone call to me in September 2016 I had not contemplated writing out my complaints in detail. I had hoped that reason would prevail and it would not be necessary. I hoped for reconciliation. But Mr. Kitchin now seemed to complain that I had wasted time in attempting reconciliation.

He was clearly angered when I found I could not comply with his date of November 15th. I point out that *this was his own fault* – he should have checked back with me. Further, I gave him two months notice that I could not comply with that date.

He relied on S.O. 1125 (17) :

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[133] Bellamy 5.19 (3) The grounds upon which an extension may be granted are:
(a) that the respondent, the complainant, the connexional Presenting Officer involved in the case or a key witness:
(i) is ill;
(ii) is affected by family bereavement or illness;
(iii) is unavoidably and legitimately absent from Britain;
(b) that there will be unavoidable delay in securing vital evidence, including the evidence of the outcome of civil or criminal proceedings; or
(c) that for some other good reason the extension is necessary to enable the charge to be dealt with fairly.

[134] But not all – see appendix RR, in which I request various matters concerning the minutes of the circuit meeting in September 2016. Only the minutes were supplied – and in September. Nothing else was forthcoming.

[135] Appendix D para 4

*" The complaints team's full consideration of the complaint must be completed within two months of the date on which the lead member receives the documents or as soon as possible thereafter."*

I point to the words: *"or as soon as possible thereafter"*

and to Bellamy[136] where he makes it clear that:

"*Every complaints team is entitled to regulate its own procedure. Any procedure adopted must comply with the general principles of fairness."*

The matter of the alleged breach of confidentiality, raised in breach of Standing Orders, caused the initial delay.

Apart from the lack of cooperation by Mr. Kitchin about the details of the accusation, there was an ancillary problem. It meant *that I dare not approach any of the circuit members who had been present* in order to determine whether they remembered anything of the circuit meeting of September 2014 – some two years previously [137] - and whether they would be willing to give evidence to the panel.

In my letter of 11th October 2016 I mentioned this matter in some detail[138]:

"*I am extremely mindful of your accusation of a breach of confidentiality on my part – and this is hampering my preparation.*

*Much of my complaints, particularly against Rev. Westwood, concerns the events during the Hastings and Rye circuit meeting in September 2014. There were many witnesses to what occurred that evening and I wish to contact several of them to take down their recollections of the meeting. I am of the firm conviction that such statements will contradict the version of events given by Rev. Westwood.*"

Mr. Kitchin did not respond to this in his reply - dated 15th October[139].

In my letter of 20th October I wrote[140]:

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[136] 4.13 What steps will the complaints team take in order fully to consider the complaint?
(1) Every complaints team is entitled to regulate its own procedure. Any procedure adopted must comply with the general principles of fairness.
(2) If the respondent remains unaware of the complaint, the process must be halted until he or she can be informed.
(3) The complaints team's full consideration of the complaint must be completed within two months of the date on which the lead member receives the documents or as soon as possible thereafter.

[137] I knew something of the views of members, because they had approached me after the meeting and even later.

[138] Appendix F page 8 para 5 ff

[139] Appendix G

[140] Appendix H page 1 para 5

*"I cannot deal with your questions in the way you demand unless I am first provided by you with the answers to the questions that I have already raised."*

As for witnesses to the events, as we have seen, Mr. Kitchin's letter of 4th November[141] stated:

*"Advise me whether there are other people you think may be able to help us (and their names, contact details and why we should hear from them) so that we can consider contacting them for a written statement. We may also need to interview them."*

As mentioned above, I considered ( at the very least) this approach impractical. I did not wish my witnesses to be chosen for me and interviewed without my knowledge. There was also the question of their competence – how good were their memories etc. Mr. Kitchin's approach was not conducive to finding best evidence. I had outlined[142] my approach, as mentioned above, in my letter of November 5th [143].

Mr. Kitchin never answered this. As a consequence, I did not approach any witnesses, nor to my knowledge, did he. I was effectively denied any witnesses.

He relied on hearsay in preference to eye-witness evidence.

At this point I even wondered if he might be trying to deliberately weaken the supporting evidence for my complaints – for that was the eventual outcome. Mr. Kitchin is too intelligent not to have realised the consequence of his actions.

## THE COMPLAINANT BEING ACCUSED – THE SECRET DOSSIER.

[141] Appendix YY page 2 next to bottom para

[142] "Simply giving you a list of names defeats the objective – which is to establish facts. Such statements depend on the questions put. Simply having a view of "why we should hear from them" is not enough. What would be your questions if you are unaware of the detail of why I wish to call them? I could, of course, supply you with a list of questions, but the truth often emerges in follow-up questions, after initial answers. And would there be any point in having them at the inquiry – if you have already done all the questioning you think necessary? Surely your role is to assess evidence, not collect it.

Since I have been unable to approach anyone due to your reluctance to clarify the matter of confidentiality, I do not know what people remember of certain incidents. I can only rely on witnesses with memories good enough to support the facts of a matter. Thus, I may give you a list of useless witnesses if I have not spoken with them before I compile the list. Demand a list now and I will give you some fifty names."

[143] Appendix L page 2 next to bottom para ff

In addition to the continual threat about breach of confidentiality, there was an additional accusation which seriously bothered me. This was that I had asked to become the Superintendent of the Circuit.[144]

This appeared in Mr. Kitchin's letter of 24th November[145]

In a series of questions[146], he asked:

"*What were your reasons for thinking you could take on the Superintendency when you were already committed to Sackville Road and MHA?"*

- and:

*"If you had applied for the job of Superintendent, how did you plan to manage a workload that was more than full time?"*

To be fair to Mr. Kitchin, when, at my request, Peter Hill sent him an email about this, dated 6th December he replied[147]:

"*I don't know where Peter finds his information. He is not being accused of asking for the job of Superintendent".*

I do not know what other interpretation might be placed on the words:

"*What were your reasons for thinking you could take on the Superintendency when you were already committed to Sackville Road and MHA?"*

I decided to pursue this when I recuperated ( I collapsed on December 3rd and so was in hospital when some of this was going on.)

It sounded to me as if someone had approached Mr. Kitchin with this *totally false accusation*. But if he denied all knowledge of it – how did it come to be in the letter sent by him to me? Was someone else writing his letters? And did he know what was being written in his name?

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[144] ( see appendix AAA) In fact my wishes had been made clear from a very early date. In an email sent to Senior Steward Cecile Wright, dated 18th February I wrote:

"I support fully the decision of the circuit stewards, however, I think it could have been helpful for the 'Pastoral Cover' on this side of the Circuit to have been discussed openly and the Churches themselves invited to participate. I would have and still will, if asked, and the churches themselves wish it, accept pastoral responsibility for Christchurch and Little Common , but to be left out of that discussion, is questionable."

This position was the background of my objection at the Circuit Meeting of September 2014 – the beginning of my complaints, particularly against Rev Westwood.

[145] Appendix W page 3

[146] See appendix U page 3

[147] Appendix BB

As was often the case, Mr. Kitchin *did not address the question with an answer* – he seemed to demand an answer instead – in fact demanding substantiation of the question from me. The implied question was 'where did Peter get his information?'

I got it from him.

And if he did not recognise the question about the Superintendency, was the deadline for my answer – 5:00pm on Thursday 1 December 2016[148] in any way serious?

I surmised that this allegation had no documentary backing – nor would there be corroboration from any witness - for the idea of me asking to become the Circuit Superintendent was preposterous. Such a request had never taken place.

I realised then that Mr. Kitchin's ability to sort fact from fantasy and to rely on best evidence was not to be relied upon. If I entered into a question and answer session with the panel, I was liable to be bombarded by ridiculous allegations such as this.

There was another consideration however. The allegation could only have come from either Rev Pruden or Rev Luscombe – for they were the only persons with whom I had had any conversations about employment.

Or did Mr. Kitchin have another secret informant?

Should the source be Rev Pruden, then the lie contained in the allegation should be added to my complaint against him as yet another reason why he had failed to fulfil his obligations as Superintendent of the Circuit.

This allegation fitted in with the allegations by Mr. Kitchin concerning my visit to Sackville Fellowship and the MHA. On both occasions he had been given information adverse to my interests which was entirely hearsay evidence; *and he accepted this gossip without question.*

It was becoming clear to me that Mr. Kitchin had a secret dossier in which were several allegations which were to be put to me at the panel hearing.

I realised that, given his restrictions, there would be no time for me to research any such allegations – and in any case it was not likely that I would be given the source. I would have perhaps seconds, rather than minutes even, to answer.

[148] Appendix U page 4, top of page

It was becoming clear that the authority of serving ministers was being preferred and trusted - rather than that of a supernumerary minister, regardless of Standing Orders.

It also seemed to me that an ambush was being prepared.

Furthermore, it seemed to me likely, given the accusation concerning the Superintendency, that this ambush was being fuelled by Rev Pruden. This would be all the more reason why I should have alerted John Troughton to the fact of the inquiry before the meeting at which Rev Pruden was employed for a further five years (in line with Standing Order 040).

It seemed to me that there was ample evidence to suggest that my complaint was *not to be considered properly,* and that I would be attacked with unsubstantiated accusations.

It would be a mud-slinging exercise, designed to shut me up.

In such cases the more senior person always wins the argument. There is a built-in advantage in his or her favour – regardless of the justice involved in any decision

For the word of the senior person is surely to be trusted above that of lowly ministers. Is not trust one part of why that person was elevated to that position?

What had become of Mr. Kitchin's assurance in his letter of 24th November ?[149]:

"*you are entitled to the documents produced by the respondents and in their turn, they are entitled to yours. You are not entitled to any other documents which the team may hold*".

Was the allegation that I wanted the job of Superintendent produced by one of the respondents? If so – where was the documentation? Or was it nothing more than hearsay evidence?

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FINALITY

The matter ended effectively when I received a letter from Mr. Kitchin dated 24th November[150]. This included:

[149] Appendix U page 1para 4
[150] Appendix U page 2 bottom half of page

*"Your response to each question should be restricted to no more than one half of A4, 12 point. We will then come to a conclusion based on*

a) *your original written complaints*
b) *the written replies of the respondents*
c) *your written responses to the attached questions, should you choose to reply to them.*

*Please let me know by noon on Monday 28th November 2016 which of these options you have chosen.*

*If you chose option 3, and decide to provide written responses to our questions, I will need to receive these by 5pm on Thursday 1st December 2016.*

*Please note that the complaints team will reach a conclusion on Monday 12 December, whether or not you are present. This means that we will proceed to a final determination of the matter from which you as the complainant have no right of appeal - SO 1126 (2) applies"*

Because of the manner in which Mr. Kitchin handled this inquiry, we had not advanced any further than the position we were in during September 2016 when he first telephoned me. In fact, we had in some fashion, gone backwards.

My responses were now restricted, arbitrarily, to one half of an A4 sheet per question he posed. These questions largely related to the ridiculous questions concerning me supposedly requesting to become the new Superintendent.

My three detailed complaints, forty-two pages long - sent on 21st November, 28th and 1st December - and written to help the inquiry in its deliberations - were to be ignored.

I was already judged guilty of breach of confidentiality.

I would not be seeing what the respondents had written in reply to my detailed complaints. I would not be seeing the email that led to the trouble at the Circuit meeting.

I was simply being asked to respond to questions that Mr. Kitchin posed, - a series of questions such as those of 6th December. These seemed to be not questions – but *accusations* against me. Nor were they responses to my complaints. In effect I was on trial - Yet I was yhe complainant.

The serious implications of the attacks on me – the release of the John Troughton email, the information about my attending a Fellowship

meeting and the MHA – were to be ignored. Yet they were all actions taken against me which were contrary to standing orders.

This is what happens to whistle-blowers. Organisational convenience is more important than justice and truth.

How much were my various protests listened to? My three detailed complaint submissions had actually covered, in one way or another, all the questions put by Mr. Kitchin. It was clear that he had not read the detailed complaints when he listed the questions in his letter of 6th December.

Further, he claimed that I would not be able to appeal against his decision. This was his final threat.

*"you as the complainant have no right of appeal"*

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## SUMMARY

My motion is based on the following points:

1. I did not have an adequate opportunity to make my case regarding the complaints. Instead I found myself meeting charges made against me and being hampered in dealing with the evidence.
2. I was not treated fairly by the complaints team
3. I did not receive a fair hearing.
4. There were procedural mistakes - in that Standing Orders were not followed and interpreted correctly.
5. Principles embraced by the Methodist Church were ignored.
6. The complaint was dismissed summarily without proper consideration of whether or not reconciliation between me and the respondents was possible.
7. The procedure seriously impaired or might have seriously impaired the mission, witness or integrity of the Church;
8. I did not receive the help and support that should be offered to the complainant.

Specifically, Mr. Kitchin made faulty decisions in following Standing Order 1132[151] (Case Management). He did not observe the principle of natural justice – which is a clause in that Standing Order. He was not competent to conduct the inquiry.

In particular I believe he should have determined that charges should be heard by three specially constituted panels - for the conduct of more than one person was in issue. Differently constituted panels or committees were required because the respondents are of different status and the grievances against them were different.

Further, although Mr. Kitchin was allowed by S.O. 1132 (3) to exercise his powers of preliminary case management *as he thought fit*, he ignored other clauses of that Standing Order – in particular clause (3) which pertains to the *principles of natural justice* in doing so.

[151] 1132 (2) The chair's preliminary case management powers are to give directions:
(i) that obvious gaps in the evidence be filled as far as possible;
(ii) about the participation of the complainant in the preliminary hearing to be held as provided in clause (5) below;
(iii) about the supply of documents to the complainant;
(iv) that charges against more than one respondent (including charges where conduct has been referred by the complaints team under Standing Order 1124(13)) be heard together;
(v) that the charges should be heard by a specially constituted committee if the conduct of more than one person is in issue and differently constituted committees would otherwise be required because the respondents are of different status;
(vi) that such other steps be taken as appears to the chair suited to ensuring that the committee is able to give full and fair consideration to the charges before it.
(3) The chair may exercise his or her powers of preliminary case management from time to time as he or she thinks fit, but must always observe the principles of natural justice in doing so. The Presenting Officer and the respondent may, through the reporting
officer, refer case management matters to the chair for decision.

Standing Order 1100 (3) (vi)[152] was not complied with – in that Mr. Kitchin was not competent to carry out the decisions required. He did not properly assess the provenance of evidence. He relied on hearsay rather than other more reliable and secure forms of evidence. He ultimately relied upon malicious gossip.

I ask that any decision of this panel of inquiry be set aside on the above grounds.

…….
Rev Peter Timms O.B.E. M.A.

[152] S.O. 1100 (3) (v) (vi) the person or body making the decision at each stage should be competent to do so;

# ADDENDUM 1 to Set Aside Motion delivered to Methodist House 27th January 2017.

Concerning line 50 of the decision of the panel and lines 268 & 269.

## LIES AND DECEPTION?

Line 50 of the decision states;

"*the apparent behaviour of the complainant is also a matter for enquiry."*

In reply to my letters of 7th and 11th October, on 15th October the leader of the panel wrote in an email:

"*You asked whether your conduct is under investigation. I cannot answer that question until we have heard from others.*[153]"

The decision that my conduct was under investigation had been taken (line 50) in early September – six weeks before this email. The full investigation began after that.

Why then did the panel leader not say the panel was investigating me in his email of October 15th?

Was he deliberately withholding this information?

Why would he do that?

Or is the true reason that in mid-October he *still did not have sufficient evidence* to back up line 50? Is that why he needed to 'hear from others'?

One statement or the other must be true. Either the panel had enough evidence to substantiate the decision behind line 50, or it did not.

Was a full investigation actually undertaken in the hope that I would provide the evidence for line 50 *in later exchanges* – particularly if I were treated badly, to the point where I might lose my temper?

Was this the plan to get condemnatory evidence?

One possible means of enraging me to prove a point may lie with the fact that during that period I was being coerced into signing a confession.

[153] Appendices to "set aside motion" App G

If the panel leader obtained such a confession, he could to cover up the original source for the allegation in line 50. I shall return to this aspect of the affair in a later addendum.

There is further evidence that the statement in the letter of October 15th was indeed a lie. It lies later in the panel's decision.

I refer to the "undertaking" (line 770ff) which was sent to me early in September. *(I shall later present an addendum on the timing of this.)*

Line 775:
(The panel) "*has determined, in accordance with Standing Order 1157, that there have been several breaches of confidentiality by me."*

This verifies the truth of line 50 - that the panel *had already decided the matter at the beginning of September* – even before it first contacted me i.e. during the initial stage.

Thus, the leader of the panel knew in early September that my behaviour was being investigated, yet in mid-October he did not tell me this when questioned directly about it – and indeed he denied the truth of the suggestion.

I should like to have it clarified why the statement of 15th October was not a lie. I cannot believe a true Methodist would be guilty of lying. However, on the present evidence, I see little alternative.

S.O.1100 (3 v) states:

*"The process should be fair."*

Telling a lie is not fair. This letter appears to be a breach of S.O. 1100.

--00—

A further lie?

The panel refers to the "undertaking" at line 268:

*"The complainant refused to sign the undertaking. This did not disadvantage him as there were no new documents which could have been provided."*

This is captious and akin to telling a lie. It is a cover-up.

There were several documents and other pieces of evidence which I asked the panel for help with. Among them was the email produced by Rev Westwood at the meeting of September 16th 2016. This was central to the investigation of the manner in which that meeting was

organised – the main point of my complaint against Rev Westwood. It was a document that the Methodist Church owned and which I should have had access to. I even asked the panel if I might approach Rev Westwood for a copy. All of this fell on deaf ears.

I also wished to approach witnesses – the "undertaking" affair blocked me from doing this. Further I asked for a copy of S.O. 1157 – and again, was ignored.

Line 269 refers to "new" documents. This is deceptive. Standing order 1100 (3iv) does not contain the word "new" and it is not restricted to "documents" either. My requests for help were legitimate, but were either ignored or denied.

I was seriously disadvantaged by the panel's refusal to help me in these matters. The action of the panel was a breach of S.O. 1100 (3 iv):

*"help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process;"*

Lines 268 & 9 are deceptively attempting to cover this up.

# ADDENDUM 2
# to Set Aside Motion delivered to Methodist House 27th January 2017.

Concerning line 50 of the decision of the panel.

## COERCION TO INDUCE THE COMPLAINANT TO SIGN A FALSE CONFESSION.

This paper concerns the matter which may have promoted the apparent supposed "lie" detailed in Addendum 1.

The panel leader expressed anger with my behaviour, in that I failed to sign a document which I considered to be a false confession.

**This document, and the panel's insistence that I sign it, made the proper conduct of this inquiry impossible. The blame for all subsequent problems lies with this document and with the leader of the panel**.

The inquiry contacted me in early September 2016, demanding that I admit that I had committed a breach of confidence and thereby a breach of Standing Orders. It was the first time the panel had contacted me.

I was unaware of the source of the information behind this demand; I was not asked to explain anything. I had no idea what the supposed breach might be.

I was further confused because the document referred to me as the *respondent* in a complaint made against me. I had no knowledge of such a complaint (line 772).

This did not follow Standing Orders regarding complaints.

I defy anyone who reads this document (line 770 onwards) to see it in any way other than it being a confession. There was no sign of good faith in this. Further, I was later threatened with the withholding of help under Standing Orders - I was being coerced into signing it. The "undertaking" in full is at line 770.

As an example of the iniquity of it, I refer, as just one example, to the words:

***"I understand that the Connexional team has reviewed the evidence it holds and has determined, in accordance with***

***Standing Order 1157, that there have been <u>several breaches of confidentiality by me</u>."*** *(my underlining)*

I was expected to sign this.

This was nothing less than a requirement to sign a confession to a breach of Standing Orders of which I knew nothing and to which I had not been granted opportunity to reply, to contradict or otherwise to defend myself against. I had no knowledge of having breached any Standing Order.

This document should have no place in any Methodist Church archive. <u>It should be repudiated immediately.</u>

S.O.1100 (3 v) states:

*"The process should be fair."*

Forcing a complainant to sign a confession without him even knowing what the facts of the accusation are, is not fair – and is in breach therefore of S.O. 1100.

The threat that accompanied this, and introduced the coercion, was eventually carried out (line 256). The panel refused to send me any further documents, further information or help, because I would not sign the document. This was coercion.

This withdrawal of help is contrary to Standing Order 1100 (3 iv):

*"help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process;"*

There were other examples of breach of this Standing Order in the course of the inquiry which I shall detail in later addenda.

What should the reaction be of someone who is being coerced into signing a false confession, without even knowing the detail of what the confession concerns, never mind not being granted a right of reply?

My response to the demand was explained in several letters, particularly in my early letter to Mr. Kitchin dated 4th October:

"*Further, your suggestion that I sign a clause of confidentiality is unnecessary, since I am already governed by S.O. 1104. Your addition of a confession by me to having already breached confidentiality is inaccurate, and indeed unworthy of you. It is prejudicial to the outcome of this inquiry."*

The panel ignored this.

The first demand to sign the "undertaking" was in early September. This demand that I sign the "undertaking" was still being made in early November.

This was a month *after* I had confirmed I would not breach confidentiality in my letter of October 4th.

Why would the panel do that?

I suspect that any neutral person reading this will agree that, rather than attempting to undermine and bully the panel, ( lines 285 & 297) my response of affirming confidentiality was reasonable.
However, my position on confidentiality was ignored.

The panel (line 297) accused me of bullying – surely this determination to get a confession from me was beyond bullying? I can find no Standing Order concerning this – I suspect because it is unthinkable.

The panel defines the term "bullying" (line 808) as being behaviour which causes harm or distress to the target over a prolonged period of time. This coercion caused me serious distress – I was twice taken into hospital with a stress-related illness during the period when it was going on.

What should the reaction be of someone being coerced into signing a false confession without even knowing the detail of what the confession concerns?

S.O.1100 (3 v) states:

*"The process should be fair."*

Coercing a complainant to sign a confession without explaining in the slightest why the confession should be made, is contrary to S.O. 1100(3 iv).

I refer you to cpd vol 2 Book Seven, Guidance:

"*Whilst it is expected that any response be respectful and welcoming, no local church body, minister or lay person is required to act in any way contrary to the demands of conscience. The Conference trusts that at all times all those responsible will seek to act together with integrity and in good faith."*

And to S.O. 1100 (3 vii):

"*there should be a means of correcting any errors which may be made.*"

# ADDENDUM 3
## to Set Aside Motion delivered to Methodist House 27th January 2017.

(Concerning the decision of the complaints panel in the complaints against Rev Pruden, Rev Westwood and Rev Luscombe.)

This addendum concerns Line 185.

**The panel used unacceptable forms of questioning in order to procure self-incriminating statements from the complainant.**

Line 185 states:

"*The complainant then presented a paper which proposed his own immediate appointment as acting superintendent."*

Presumably this information is derived from the letter from Rev Ian Wales referred to in line 205.

This line relies on a technique I have called "the false premise" in my second stage grievance against Rev. Luscombe.

If this is the source, I recall the incident well. The document referred to was not given to Rev Wales, but to Rev Hellyer. At that time Rev Wales was ill. My note suggested to Rev Hellyer that I help Rev Wales in his duties as Superintendent whilst he was ill. This was not an "acting" role, nor in any way a full time role. The best that it could be classified as would be an "assisting" role. I was merely "helping out".

Since I was eventually accused of requesting to be made Superintendent, we can see the "ramping up" technique which I earlier noted, in my longer grievance against Rev Luscombe, under the heading "False Premise".

In this present case, what began as "short-term assisting" the Superintendent , was then re-defined as "acting Superintendent" and then later was "promoted" to "full time Superintendent".

I note that the panel does not appear to have requested sight of the original note, which would be "best evidence". As elsewhere, the panel seems to prefer to accept hearsay evidence rather than look for the best evidence.

In fact, the panel cannot have documentary evidence to back up line 185. It does not exist and it never did.

At line 196 the panel lists the documents it considered in this complaint. There is no documentary evidence from Rev Hellyer. If the source of line 185 is indeed the letter from Rev Wales ( line 205), then

the allegation in line 185 is Rev Wale's account of what he was told or shown by Rev Hellyer.

What occurred later with this putative accusation is akin to the technique against me by the "undertaking" – explained in Addendum 2. In effect I was being asked in a deceptive manner again to agree to facts which were not true. This occurred when the matter was addressed in a letter sent to me by Mr. Kitchin, dated November 24th 2016 (U4 in the appendices to the set aside motion)

The panel sent me a list of questions that it wished to be answered *within a set time limit*.

The standard of questions put to me did not come up to the required standard for such proceedings, and not up to the standard of S.O.1100 (3 v) which states:

"*The process should be fair."*

To explain the deception that the panel was attempting, consider the way in which questions may be put to someone in such circumstances. (I refer you also to page 17 of "Positive Working Together" on not using trick questions.)

TYPES OF QUESTION:

There are many types of questions which are used in tribunals.

THE OPEN QUESTION:

This leaves the person being questioned with the ability to reply in any way he or she wishes. Such as *"how are you today?"*

THE LEADING QUESTION

This is often typified by the phrase "*I put it to you that.. "* with the questioner's hypothesis of an incident coming next.

The person being questioned can deny the hypothesis, but the questioner nevertheless may introduce doubt in the mind of a judge or jury.

Stronger than the leading question is:

THE YES - NO QUESTION.

This promotes a version of the truth by polarisation coupled with a demand that an answer confirm the truth or denial of it.

A typical question of this category might be "*Did you do it – yes or no?"* Respondents often have trouble with this type of question, for there are sometimes a variety of possibilities in which the truth might be found.

THE LOADED QUESTION.

The loaded question is often typified by "*when did you stop beating your wife?"*

The example is a common joke amongst lawyers of something that should never be done because it is unfair*. It resorts to trickery.*

This type of question has, inside it, an accusation, or affirmation of a fact, but the *actual response* demanded is *to something else in the question.*

Thus in the "wife" example the *question* is "when" – the *assertion* is that the person being questioned *has actually beaten his wife.*

Loaded questions are typically used to trick someone into implying or affirming something they did not intend to accept or admit to.

To make them more disguised, loaded questions are sometimes preceded by an open question.

Although there is no specific judicial ruling to stop their use, they are invariably objected to and not allowed by tribunals.

This panel used several of these types of question during the many exchanges.

However, in particular, I point to the questions put to me on page 4 of the letter sent by Mr. Kitchin on 24th November 2016. This is listed in the appendices to the "Set aside Motion" as app U4.

*"What were your reasons for thinking you could take on the Superintendency when you already were committed to both Sackville Road and MHA?"*

This loaded question pre-supposes that I thought *I could take on the Superintendency* – and that I had stated so either in public or to someone involved in the inquiry.

It further pre-supposes that, in doing so, I had stated that I could also carry on with a commitment to Sackville Road and the MHA.

I had made neither of these two assertions. Indeed it is highly *improbable* that an eighty-year old man would suggest such.

The only possible answer to this loaded question is to state *"I deny the assumptions in this question"*. That is not answering the question, but questioning *its basis*. The second trick in this sentence is that the charge might then be made that I refused to answer the question.

In this example, the person *asking the question* is likely to get an answer that is useful to him - no matter what the response.

This was a very tricky question by Mr. Kitchin which was clearly designed to trap me into a false statement.

A later loaded question on the same page is:

*"Why were you unwilling to undertake the specified procedure in S.O. 793 for supernumeraries wishing to return to the active work?"*

(S.O.793 concerns supernumeraries applying to return to the active work and the medical examination necessary)

There are two presumptions, or false premises, in this loaded question:

a) that I wished to return to the active work, and
b) that I was unwilling to take a medical examination in connection with a return to the active work

I did not wish, nor did I apply, to return to the active work. As a consequence there was no need for a medical.

A further loaded question is:

*"Which Standing Order are you alleging Phillip Luscombe broke in his dealings with you?*

This question pre-supposes that I had accused Rev. Luscombe of a breach of standing orders. On November 24th, when this letter was sent to me, I had *not made any such accusation.*

I subsequently, in the second stage of my complaint, criticised Rev Luscombe. I stated that he mis-interpreted S.O. 792. However, I did not write this *until 30th November*, a week *after* the question in the letter with the loaded question from the panel was written.

A fourth loaded question is even more tricky:

*"If you had applied for the job of superintendent, how did you plan to manage a workload that was more than full time?"*

The trick here is in the captious *use of the conditional* tense at the start of the question. The word "if" introduces the conditional subjunctive form. But the verb which follows is not in the subjunctive, it is in the indicative – "*how did you plan?*" The conditional aspect is no longer present.

The presumption, or false premise, is that I did indeed *plan to manage* a workload: in fact I did not.

There is the further presumption that "*the work was more than full time".*

To be correct, the sentence should have read "*If you had applied for the job of superintendent full time, how would you plan to manage a workload that might, with your other commitments be more than full time?"*

Of course, I never did plan to manage such a workload. That is the false presumption in this loaded question.

There is a further point in this. "*The workload*" being referred to is that of a superintendent. Clearly that is not *more* than full time – for many superintendents do such work and have agreed hours in which to do it. As the question is phrased, the implication is that I wished to be a superintendent *and* continue at Sackville Road and the MHA. None of this was the truth.

There were eight questions in the letter of November 24th of which *four* were loaded questions.

It seems clear that the objective here was to trick me by unfair means, by interspersing *open* questions with *loaded* questions. This is a well-known technique.

At line 64 the panel states that it had due regard to "Positive Working Together". It clearly did not recall ( page 18):

*"I will not trick, pressure, manipulate, or distort the differences. I want your unpressured, clear, honest view of our differences."*

The pressure exerted upon me was in the form of a deadline. At the top of the page is written:

"*Questions for written responses by 5:00pm on Thursday 1st December 2016."*

The letter was written on November 24th, a Thursday. I received it on Saturday November 26th. I would have needed to post it on Tuesday 29th November in order to ensure that it arrived in accordance with this demand. I was being rushed, I would say, hustled, into a quick, and perhaps injudicious response.

The questions in this letter do not align themselves with several standing orders – in particular S.O.1100 (3 v) which states:

*"The process should be fair."*

However, there is a further point.

The situation is made less clear by conflicting evidence from the panel.

On receipt of the letter of November 24th my friend Peter Hill wrote an email about these questions, whilst I was ill, to the leader of the panel - Mr. Kitchin. This email was dated 6th December. Mr. Kitchin replied[154]:

"*I don't know where Peter finds his information. He is not being accused of asking for the job of Superintendent".*

I do not know what other interpretation might be placed upon the words:

"*What were your reasons for thinking you could take on the Superintendency when you were already committed to Sackville Road and MHA?"*

- which is the wording of the question in the letter of November 24th.

It is one thing to be accused of something. It is quite another matter when the accuser denies any knowledge of the accusation.

Why on earth would the leader of the panel make such a denial?

I believe that this exchange shows that, considering S.O.1100 (3 vi)

"*the person or body making the decision at each stage should be competent to do so, "*

The leader of the panel was not competent to send the letter or conduct the inquiry. His questions were captious. He accuses me of manipulation, but his use of loaded questions is a clear sign of manipulation.

[154] "Set aside motion" Appendix BB

I had a right to ignore the questions. They were captious. The exchange demonstrated that the panel leader was more than a little confused. Whether he knew it or not, his two statements about the particular question above have the appearance of someone being duplicitous. His *email* reply stated the opposite of his *letter* of November 24th.

Further, I consider that the panel also breached S.O.1138 (8c):

(c*) The standard of proof required to establish a charge is the balance of probability.*

This accusation in the letter about the Superintendency was based on, *at best*, hearsay evidence. This was far from being best evidence, particularly when documentary corroboration of the charge should have been available. Captious questions were used in order to obtain evidence to boost the probability of the allegation that I had asked to be made a Superintendent.

# ADDENDUM 4 to Set Aside Motion delivered to Methodist House 27th January 2017.

## Concerning in general the decision of the panel, this addendum points to parts of the decision where the panel may be telling the truth – *but not the whole truth.*

Preliminary.

S.O. 1133 (a) (b) (c)

"*The committee's decisions must be reached solely on the charge brought and on evidence before the committee and available to both the Presenting Officer and the respondent. The evidence must include in all cases the written report prepared by the complaints team under Standing Order 1124(15).*
*(c) The standard of proof required to establish a charge is the balance of probability."*

I can find no instructions in Standing Orders about how a report, such as the decision of a Connexional Complaints Team, should be drawn up.

S.O. 1133( c) makes it clear that the system of determination of the proof *to establish a charge* should be the balance of probabilities. This refers solely to the *issues of the charges brought by the complainant* – and does not refer to issues between the complainant and the members of the committee or panel of inquiry.

*(The use of the system of "balance of probabilities" is considered in a later addendum)*

The balance of probabilities system is a binary system. When there are differences between the complainant and the respondents, and there needs to be a decision on issues of fact, when a balance of probabilities is decided, the contrary arguments are no longer valid and do not *necessarily* need to be reflected in the judgement.

Such does not apply to *other issues in the case*, such as arguments between the members of the panel and the complainant over procedure and interpretation of Standing Orders. In such matters – i.e. those not attempting to *establish a charge* - the guiding Standing Order must be S.O. 1100 which deals with fairness. It follows that in recounting such issues, both sides of the issue must be detailed in the final report of the inquiry.

A substantial part of this present decision ( lines 117 – 318) is taken up with issues of conflict between the complainant and the panel.

The several conflicts between the leader of the panel and the complainant are to be judged, if they need be, under S.O. 1100, not on a balance of probabilities. *No charges are involved*.

The report written by the panel in this case appears at first glance to be in accordance with S.O. 1100. It purports to be a fair and even-handed rendition of what occurred. However, some of the issues that should be treated even-handedly as per S.O. 1100 are treated as if they are being judged on a balance of probabilities. One side of the argument is left out.

As a consequence of this approach, the decision of the panel in this inquiry contains half-truths. This paper lists them and details the other half of the truth.

The overall effect of such half-truths is to present a prejudiced viewpoint on behalf of the panel towards the other areas of the complaint. The conflict between the complainant and the panel is interlaced with the complaints against the respondents.

## TRUTHS AND HALF - TRUTHS.

### I

1. Lines 117 – 141 the date of the inquiry.

The half truth:

Line 117:
*"The complainant agreed in September 2016 to a date for his interview of 15th November. He later requested a postponement of four months."*

The other half of the truth:

a) the contact I had with Mr. Kitchin in early September was on the telephone. I was not prepared for it and replied only in a general way.
b) I did not agree a date – I merely stated that I was free on that date.
c) Within some ten days I informed Mr. Kitchin on 21st September that I would not be ready for November 15th. This was after I realised the implications of the "false confession" and Mr. Kitchin's determination to coerce me into signing it. This was the initial cause of seriously delay in the matter. With the false confession, the entire pattern of the panel's procedures changed.

### II

The half truth:

Line 123:

*"The team decided to offer him two further dates in December 2016"*

The other half of the truth:

After I was taken into hospital with a suspected heart attack, Mr. Kitchin offered to meet with me in January 2017. *He later withdrew this offer*

The version in the decision covers up many reasons for delay in the process – all due to the panel's actions. These are:

a) that I gave the panel eight weeks notice that I would not be able to be ready for the November 15th deadline.

b) That the delay involved in this was due to the insistence by Mr. Kitchin that I sign a false confession.
c) That other matters such as the question of witnesses and whether the complaints were three or one were further delaying me.
d) Delay caused by Mr. Kitchin in not helping me with the question of Standing Order 1157 ( This matter is covered on page 11 of the set aside motion)
e) Mr. Kitchin did not respond to questions about the email mentioned in my grievance re Rev Westwood.
f) Mr. Kitchin did not give clear guidance on whether this would be considered as one complaint or, as I saw it, three (see later and page 34 of the set aside motion.)

The truth is that after the original choice of November 15th, Mr. Kitchin "moved the goalposts" with issues which caused delay – in particular a) the false confession, b) the question of witnesses c) confusion over Standing Order 1157 d) acquisition of the Westwood email and e) indecision re one grievance or three.

None of these delays are explained in the panel's decision.
Why would the panel wish to cover up the background details of this matter?

This appears to have been a deliberate ploy – the effect was to pressurise me into being ill-prepared for the November 15th date.

## III

The half truth:

Lines 751 – 766

"Breaches of confidentiality by the complainant"

The other half of the truth:

This conclusion was reached without asking me for an explanation.

There are two allegations. They concern:

(i) an email to John Troughton
(ii) a letter to Paul Martin

(i)
The email to John Troughton.

This is dealt with largely at pages 11 and page 19 of the original set aside motion. In particular, on 16th November I sent Mr. Kitchin my reason for actions on this – pointing to my obligations as a minister under S.O. 040.

At no time during the four months of the inquiry did Mr. Kitchin ask me for an explanation of this email to John Troughton. He never replied to my point about S.O. 040.

The report therefore does not reflect the whole truth of this particular matter.

(ii)
The letter to Paul Martin.

I have never seen this letter, nor is it mentioned in any of the correspondence with the panel. The reference to it in the decision is a complete surprise to me. The reason for this can only be that the panel refused to let me see the accusation because I refused to sign the false confession.

The content of this letter, as quoted in the report, actually supports my reasons for sending the email to John Troughton.

The true context of lines 751 – 766 is therefore in no way fully and fairly reflected in the two paragraphs in the report.

Why would the panel not wish to present my reasons for the email to John Troughton – and why would they use evidence of the Paul Martin letter without even telling me of it?

Or is that the panel wish to cover up the role that the District Chair John Hellyer had in the production of these emails?

## IV

The half truth:

Lines 436 – 477
"The respondent, as Assistant Chair of the South-East District and acting on behalf of the Chair of the District"

The other half of the truth:

Although apparently an issue of fact between the respondent and the complainant, this point is directed at *the correspondence between the leader of the panel and the complainant*.

The issue here is the refusal of the panel of inquiry to act fairly. They did not demand to see best evidence.

Although Rev Westwood claimed to be acting on behalf of the Chair, she avoided showing any evidence to prove that the Chair had actually delegated her. In fact Rev. Luscombe was in charge of the consideration in item 9 on the agenda at the meeting in question. (see later)

In my original grievance – which the panel claims to have read (line 200) I mentioned a piece of paper which Rev Westwood claimed to be an email from the District Chair.

This "email" is not mentioned by the panel in their outline of Rev Westwood's response. It is only mentioned at line 410 – where they quote the text of my original complaint.

Nevertheless, I had requested a copy of this email many times during the period September - November 2016. My reason for doing this was that the actual document was clearly "best evidence" concerning the role of Rev Westwood in the Circuit Meeting. I never received a copy, nor did I receive a reply when I asked the panel to allow me to request a copy from Rev Westwood.

This supposed email and its alleged contents was the source of the trouble at the meeting.

That all mention of it is omitted in this decision covers up the fact that the panel was not interested in acquiring "best evidence". This is contrary to Standing Order 1100.

The consequence of this is that the panel remained ignorant of the central importance of this document to the entire case. It was, after all, Rev Westwood's intervention during my objection that was the source of the controversy over the events of meeting of September 2014. This document began this whole affair.

Why would the panel not seek to see this email and not mention it in the decision?

Does the email actually exist? We only have Rev Westwood's word for it. Or is it that the panel does not wish to acknowledge the role that District Chair John Hellyer had in the affair?

## V

The half truth:

Line 78

"The team interviewed.. one other key witness and heard from two others."

The other half of the truth:

There was lengthy correspondence between myself and the panel because I wished to produce, either in person or on paper, witnesses from the members at the circuit meeting of September 2014 – the meeting that all the fuss was about.

I was systematically hampered by the leader of the panel to the point where I was not able to produce any of my witnesses. The leader of the panel even wished to interview my witnesses before he might accept their evidence. He wished to do this *before I even approached and interviewed them*. He apparently wished to control all my evidence in this area.

This matter is covered from page 27 onwards in the set aside motion.

The whole truth of this is that, in the complaint against Rev Westwood, there was the possibility of introducing eye witnesses to the events mentioned about a Circuit meeting in September 2014. To hamper this and indeed, not even call the witnesses, is contrary to S.O. 1100.

## VI

The half truth:

Line 223

"The panel explained to him that this was not consistent with the complaints process."

The other half of the truth:

As far as I can see, there is nothing in Standing Orders that precludes complainants from calling witnesses to testify to facts and events.

The panel actually took evidence from a witness ( see above line 78). Why therefore were statements from eye witnesses, whom I wished to introduce, not consistent with the complaints process?

This sentence simply covered up the fact that the panel did not appear to wish to hear from my witnesses.

**VII**

The half truth:

Lines 436 – 477:
Rev Westwood's account of the events at the meeting of September 2014

The other half of the truth:

Rev. Westwood's version leaves out reference to other members of the church ( some 50 or so) who witnessed the events and indeed, took part in them. The panel failed to rectify this account.
Why would the panel fail to mention that there were eye-witnesses to the events of lines 436 – 477?

As mentioned above, the panel was fully aware that such witnesses existed. Its failure to call such witnesses indicates that the panel did not wish to hear any evidence, from persons present at that meeting, which would deny Rev Westwood's claims about what had occurred.

**VIII**

The half truth:

Allegations concerning faking illness.

Lines 133 ff.

"The team believed that if he was well enough to write, collate and send these documents, he would be well enough either to speak with us or to answer our much briefer questions in writing."

The other half of the truth:

This is not an issue of fact between the complainant and the respondents.

The matter is dealt with more fully in the original set aside motion on pages 29 and 30 and in addendum 3 to that motion.

On November 4th 2016, Mr. Kitchin sent me a letter which contained not only the John Troughton email and the consequent email from Rev Hellyer to the Connexional Head, but also the accusation[155]:

*"You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7th November 2016 and visit the MHA Richmond Care Home.*

*We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*

This allegation was clearly taken into account in their considerations, because it was the basis of the choice of dates in December. However, it is not mentioned in the panel's decision.

Why not?

I had written to the panel on November 18th[156].

*"How did anyone attending the Sackville meeting know that you were in charge of an enquiry into grievances that concern me? Did they contact you? Or did you contact them? Who are these people? On what basis was contact made?*

*Did a person, or persons, telephone you or did you telephone them? What right did they have to do so? No person involved in this matter was present at the Sackville meeting[157]. This evidence is therefore second or third-hand hearsay – which should be no part of your inquiry."*

I emphasise that none of the panel, nor any of the respondents, had been at the two venues mentioned.

The central question was how, in fact, did *anyone* at either of these two venues know that *my health* was an issue in the inquiry?

The only answer must be that someone within the close community in Bexhill had breached confidence in acquiring the information.

The panel was acting upon information from one of the respondents which had been obtained by *malfeasance*. A Standing Order had been breached.

[155] Appendix Q in set aside motion page 1

[156] Appendix S

The equivalent in criminal law would be that the police had collected evidence illegally – such evidence would not be allowed into a courtroom. Cases in our courts have even been thrown out because accused have not been properly read their rights.

I never received any answer on who breached confidentiality on this.

However, it would seem that the most likely person is someone *under the supervision* of the District Chair John Hellyer. It would seem unlikely that such a person would have committed such reckless action *without having first obtained Rev Hellyer's consent.*

I do not argue the merits of my counter-argument about these claims here – I merely point out that this whole episode was left out of the panel's decision, and yet it had formed part of their thinking behind line 135.

The panel not only condoned a breach of confidence, but it also *accepted second hand hearsay evidence* with which to accuse me.

One can understand why they might wish to cover that up. It was malfeasance.

It is important to note that this matter was not an issue of fact between the complainant and the respondents. It was the panel who decided that I was well enough to attend. In that, it became an issue between the complainant and the panel. That issue is no part of "the charges" that are decided on the balance of probabilities in S.O. 1133 – and indeed, it can be argued that the decision taken by the panel here is in clear breach of S.O. 1133(a) in that:

*"The committee's decisions must be reached solely on the charge brought"*

The whole truth is therefore that the panel was willing to allow persons adverse to my interests to break the rules if the evidence discovered could be used against me. Accepting hearsay evidence produced by malfeasance indicates prejudice on a major scale.

## IX

The half truth:

ONE GRIEVANCE OR THREE?

Line 610.

"The team decided to take the three complaints separately and examine whether there were any features which brought them together."

The other half of the truth:

This matter is addressed at length from page 34 onwards in the set aside motion.

The lengthy dispute over how the three complaints could be handled is not mentioned at all in this report – though it was a factor in the period September – December 2016 which caused considerable delay. This was not helped by various people, in particular Rev Chapman and Mr. Kitchin, using the words "Complaint" and "Complaints" indiscriminately in correspondence.

It was not until November 4th that Mr. Kitchin appeared to accept that the three complaints would be presented separately. This, of course, had affected my preparation of the complaints considerably.

None of this is mentioned in the report. Indeed the comment in line 610:

"*The team decided to take the three complaints separately and examine whether there were features which brought them together.*"

is not followed by any conclusion on the question as to whether there were any such features.

As late as November 4th[158], Mr. Kitchin was writing:

"*My suggestion is that we allocate ten minutes for you to present your complaints and up to five minutes at the end for you to summarise your position.*"

Note the word "complaints" – in the plural. Does Mr. Kitchin mean "ten minutes for all three complaints" – or "ten minutes per complaint" – i.e. 30 minutes? I never knew.

It seems clear that the panel did not know how to properly proceed in this aspect of the matter. It never reached a conclusion on the principle. The fact that the details of the many arguments, and particularly the details of the inconsistency in Mr Kitchin's approach,

[158] See set aside motion appendix YY page 2 para 2

are omitted from the report indicates that the team did not wish this to come out. It was covered up.

**X**

The half truth:

Lines 133ff 173 – 177 "The complainant sent to the team three unsolicited bundles of documents.."
219ff. "These papers were inappropriately long"

The other half of the truth:

The above lines suggest that there was no procedure for the introduction of the documents – and that there was a limit on the length of any such contributions.

As far as I can determine, Standing Orders contain no limit or guidance on how many supplementary complaints can be added to an original complaint, nor any length to which such submissions must be limited. In fact, I understand that Alan Bolton told Peter Hill that the limit of A4 pages (see later) is definitely not in Standing Orders.

It is reasonable that initial grievances in the first formal complaint stage should be short. The complainant would not doubt wish for speedy reconciliation – as in my case. The alternative – of issuing a long detailed complaint in the first formal stage rather than at the second stage - full consideration by complaints team - would militate against attempts at reconciliation.

Further in S.O. 1123 is the clause:

*"The connexional team must) (iii) provide all the members of the complaints team with the documents* so far *received in connection with the complaint"*

The words "so far" indicate the possibility of further documents to be brought to the inquiry.

Clause 5 in the above states:

*"A written statement must be obtained from both the complainant and the respondent, unless either of them refuses to give a statement."*

My second stage submissions were my written statements for the connexional team.

It is therefore clear in the Standing Orders that, when the grievance becomes a formal complaint, there is opportunity, indeed perhaps a requirement, that the original grievance should be expanded to give more detail and perhaps more argument. This is a second stage submission for the formal investigation of the complaint by a complaints team.

In my case, limitations were put onto my submissions, both verbal and on paper. This, in my mind, was not in accordance with Standing Orders.

The documents were prepared for a meeting in January 2017 ( see above) That they were finished in time for the December date was purely by chance. It was the panel who moved the date from January to December.

The truth is that the panel implies that my second stage submissions were not in accordance with Standing Orders, not required and not requested. In fact, my second stage submissions were in accordance with Standing Orders and the apparent delay in submitting them was brought about by the panel moving the date for them from January into December.

This report is completely devoid of any reference to the January date.

## XI

The half truth:

Line 228:
"it was specified that these responses should be no more than on half of a side of A4 in 12 point font for each question. The complainant had not addressed these questions and had not observed the brevity requested".

The other half of the truth:

The letter was sent on 24th November. It included eight questions. Four were "loaded questions", which I have mentioned in addendum 3 to the set aside motion.

However, with this letter, the panel no longer gave me any realistic option of presenting my case – whether on three separate pages of A4 or within a ten minutes speech.

I was now effectively restricted simply to answering the eight questions – either on paper or in a meeting or on the telephone. I was too ill to commit to the latter options.

There is no procedure in Standing Orders to introduce such a procedure, indeed it is contrary to S.O. 1100.

The whole truth is that this was this was a final attempt ( and indeed a captious one) by the panel to so limit my input into the inquiry that it could easily dismiss my complaints. The pattern of this determination to curtail my evidence can be seen throughout this paper.

## XII

The half truth:

Line 269 : "The complainant refused to sign the undertaking. This did not disadvantage him as there were no new documents which could have been provided."

The other half of the truth:

This is not really a half-truth, for it is completely untrue.

At line 205 the panel lists a document they considered, being a letter to them from Rev Ian Wales. I was never given that document – I did not even know of its existence. I can make no comment on it because I have not seen its content.

I also never saw the letter which the panel claims I sent to Paul Martin ( see above) which clearly influenced the panel's view of my character.

I received no help whatsoever in obtaining a copy of the Westwood email ( see above) which would have clarified much about the incidents at the circuit meeting at the heart of my complaints.

I was therefore disadvantaged by the action of refusing to show me further documents.

The use of the phrase "this did not disadvantage him" is simply an attempt by the panel to cover up its own malfeasance in this inquiry.

## XIII

The half truth:

Line 234 - "The timescale did not permit sending those documents to the respondents for further comments"
Line 118 "he later requested a postponement of four months. The Complaints Team refused on the grounds of due process."
Line 240: "they added no significant relevant information to the original complaint and would not affect its conclusions"
Line 175 "they rehearsed what was already known"

The other half of the truth:

These parts of the decision concern the lengthy submissions I wrote for the second stage of the grievance.

The general impression given by the passages is that I embarked on writing lengthy expositions which would not fit into an agreed timescale for the inquiry – and that my papers rehearsed what was already known and had no significant relevant information.

Another general impression is that these documents were unexpected and that the deadline for them was set to coincide with the December 12th meeting.

In fact they were being prepared for a date in January which had been agreed in principle. I have detailed these points earlier in this document and elsewhere.

It is important to note that I do not here argue the facts and arguments advanced in these second stage submissions.

I point to the truth behind the suppositions of the agreed timetable mentioned above and the diligence of the panel in examining the second stage submissions.

I also point to the deception perpetrated by the panel.

Any cursory glance through these submissions would reveal that there was a basic difference between them and the original grievances.

The second stage submissions did *not* rehearse what was already known. They were also both significant and relevant to the inquiry. The panel should have immediately appreciated this.

The prime difference was that the second stage submissions were all based on documentary evidence.

The panel did not notice basic facts such as this.

None of the original written grievances and the responses had produced documentary proof to support them. After reconciliation was denied, when the complaint was referred to the connexional team, I looked for documentary evidence to support my contentions.

For my part that was because:

a) I had not expected the responses I received and hoped to settle the matter quickly with reconciliation, and
b) I did not have access to some of the documentation I was later able to use.

The panel should also have realised that the three lengthy second stage submissions were based on best evidence.

## The relevance and significance of the second stage submissions.

Grievance re Rev Westwood.

For this submission I used not only Rev Westwood's own response, but also the minutes of the meeting in question. The original minutes were not used for the *initial* grievance - because they were not available to me.

At line 467 the panel quotes the evidence of Rev Westwood:

*"Since no valid objection had been raised with regard to Rev Pruden's invitation.."*

and concludes on line 482 that she had complied with Standing Orders.

*"no valid objection"* is a change in testimony which was highlighted in my second-stage submission.

The panel did not notice this.

On page 10 of my submission, I went into this question of "no valid objection" being raised.

The minutes of the meeting record that "no substantive objection" was raised.

In her response, Rev Westwood wrote that

"*I advised the Chair and the meeting that since no objection*[159] *had been raised with regard to Mr Pruden's invitation, the recommendation from the Circuit Invitation Committee should be received - that the Reverend Ian Pruden should be confirmed as the substantive Superintendent for the remainder of his current appointment.*"[160]

In my second stage submission I argued that my objection was "substantive" – since it pointed to a potential misinterpretation of a Standing Order, coupled with a breach of standing orders in the manner in which the meeting was being run.

"Valid", "Substantive" – it hardly matters, for there is no doubt *that was an objection* to the re-invitation to Rev Pruden. It was from me.

The inquiry panel did not, apparently, notice this discrepancy, even though it related to a possible mis-interpretation of Standing Orders which had not been mentioned in the initial grievance.

However, this apparent misinterpretation of Standing Orders is surely "significant relevant information" which was not in the original complaint – and did not "rehearse what was already known"

A further point I made in my second stage submission is that when there is an objection *a vote must be taken.*( SO 545 3G)

NO VOTE WAS TAKEN – and yet the panel states that there was "no significant relevant information" in the second stage submission.

In fact, there were three substantive issues raised:

a) The question of Standing Orders
b) The proper chairing of the meeting
c) Questions of prior collaboration.

This evidence is based largely in the documentary evidence of the minutes of the meeting – compiled independently by someone who takes no side in this argument. It would seem from the panel's report (line 200) that the panel did not request a copy of the minutes of the circuit meeting in question.

The second stage submissions quoted the minutes of that meeting - yet the panel states that there was "no significant relevant information" in the second stage submission.

Also in the second stage submission there was an investigation into the official role of Rev Westwood in this meeting.

[159] See however Rev Westwood response (4): "Ms Heim indicated he would allowed five minutes to offer the objection…"
[160] Westwood response page 2 para 8c

She claimed that an email she held gave her the right to take over the chairmanship of the meeting. However, the minutes make no mention of her assuming the chair.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

Further, with regard to Rev Westwood's authority to intervene at the meeting, I quoted documentary evidence in my second stage submission that it was actually Rev. Luscombe who was in charge of the matters concerning the promotion of Rev Pruden:

I quoted Rev Luscombe himself:

"*My sole role in the affair was as Acting Chair during the serious illness of John Hellyer. I needed to take an active role in the Hastings, Bexhill and Rye Circuit, as my colleague, Rev Westwood was on sabbatical.*"[161]
"*As Acting Chair I dealt with the various questions and concerns that were raised with me according to the procedures…*"[162]

From this, I pointed out that Rev. Westwood was potentially usurping the power of Rev Luscombe in this matter.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

With regard to Rev Westwood's account of what happened at the meeting, I quoted from her own written account several serious discrepancies in that account.

In summary, the *documentary* evidence *available and quoted in my second stage submission*, indicates that the promotion of Rev Pruden at the meeting in September 2014 was actually contrary to Standing Orders – in that no vote was taken, no count was made and recorded - on an issue where there had been a substantive issue raised in objection to the procedure.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

Why are they covering this up?

Grievance re Rev Pruden

[161] Luscombe response para 1.1
[162] Luscombe response para 1.2

The main section of my second stage submission concerning Rev Pruden was devoted to the events surrounding the minutes of the meeting of September 20-14. This was documentary evidence.

Rev Pruden, as Superintendent, was in change of this meeting and responsible for how it was recorded in the minutes.

In my second stage submission I stated that I had taken up various points about the minutes in a meeting with Rev Pruden;

(i) The minutes did not contain an adequate list of persons present – something which is required by Standing Orders.
(ii) There was ambiguity about who had been in the chair of the meeting at various times during it. The minutes stated that Rev Heim was in the chair during the period when I raised an objection – yet Rev Westwood had intervened and acted as if she were in the chair.

(ii) Examination of the minutes raised the question of whether they had been interfered with by someone who did not wish to have on record what had actually occurred to be in the circuit records.

(iv) As mentioned above, the decision on item 9 on the agenda had required a count of votes which should be recorded. No such count had taken place. Such should have been rectified by the Superintendent – Rev. Pruden.

I pointed out that Standing Orders S.O. 131 states:

*"(21)(a) When a vote fails to be taken…… the following persons have a right to speak… the seconder of the resolution or amendment to be put, if he or she has reserved the right to speak and has not already exercised that right;*
*(ii) the mover of the substantive resolution, unless the question to be put is an amendment to which he or she has already spoken.*[163]*"*

The minutes did not record any such actions. No seconder is mentioned.

<u>All of the above concerning my second stage submission regarding Rev Pruden was *additional to my original grievance.*</u> Yet the panel states that there was "no significant relevant information" in the second stage submission.

The submission also covered, with documentary evidence, aspects of my conversations regarding the plan for covering the three churches that were left without adequate pastoral care by the departure of Rev Wales.

[163] S.O. 131 (21)

Using Rev Pruden's own words, I pointed to facile and deceptive responses by him which are not in line with Standing Orders regarding openness. These responses were taken from documentary evidence.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

Grievance re Rev Luscombe.

My second stage submission concerning Rev Luscombe largely stayed with the accusation made in my original grievance – but with considerable amplification and with the additional use of documentary evidence - Rev Luscombe's own documented words.

In my original grievance I had *not* accused Rev Luscombe of misinterpreting Standing Orders to suit his purpose in declining a proposal I made to him. In my second stage submission I made that claim – backed up with documentary evidence.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

In my original grievance I had claimed that he failed in his duty of care towards me. In my second stage submission I gave examples of his use of captious language, all from documentation, all examples of his failure of duty of care. I amplified this charge, claiming that he was not open, he was not honest, he was not just – further that he discriminated against me on grounds of age. All of this was supported by documentary evidence.

Most importantly, I introduced new evidence that Rev Luscombe had misinterpreted Standing Orders. I had been unable to cover this in my initial grievance for lack of documentary evidence. In my second stage submission I detailed the charge.

The question of misinterpretation of standing orders centred on S.O. 792 (2)

Rev Luscombe[164] stated what I was saying was:

*" fundamentally to misunderstand the role of the District as laid down in S.O. 792 (2)"*

[164] Luscombe response 2.1.

My second stage submission argued this at length.

S.O. 792 opens with a general paragraph including the words:

"*a supernumerary minister is expected to continue as he or she is able to exercise his or her ministry in collaboration with those in the active work in the Circuit in which he or she is stationed or elsewhere by agreement with the appropriate Superintendent or Chair*."

I was a supernumerary. I was therefore "expected to continue as (I was) able"

From this, I claimed, it would seem that S.O. 792 (2) applies to me only in that:

( A supernumerary) *"shall do so under a written agreement entered into with the consent of his or her Chair and the appropriate Superintendent or head of institution*"

In my second stage submission I concluded that:

*S.O. 792 actually allows supernumeraries to act in the short term. I added that indeed, its wording appears to expect them to do so.*

What that written agreement from the Chair might contain is left open.

It *might* take the form of creating a *short term*, stop-gap appointment.

To be fair, I added that Rev Luscombe was quite within his powers to take the action he did.

He had no need to resort to the intricacies of S.O. 792 in order to block my suggestion. Yet he took great pains to do so.

He had tried to "blind me with science" – or at least with the intricacies of Standing Orders.

This examination amplified considerably the points I made in the first paragraph of my original grievance – using in particular, documentary evidence and Rev. Luscombe's own words in his response.

Such was the charge in the *second stage submission* - yet the panel states that there was "no significant relevant information" in the second stage submission.

In my second stage submission I also pointed out in amplification of "a questionable exercise of authority" the "ramping –up" technique he

used against me. This was something for which I had had no documentary proof when writing my initial grievance.

In my second stage submission, I pointed out that his first reference to the appointment we were discussing was to:

"*a ministerial appointment*[165]"

He then stated

"*this was a full time ministerial appointment*[166]".

And then moved on to a claim that it is *more than that*[167]:

This manipulation of words is echoed in line 185 of the panel's decision, indicating that the panel had not noticed the technique in Rev Luscombe's response.

This manipulative intent on the part of Rev Luscombe was not covered in the initial grievance, yet the panel states that there was "no significant relevant information" in the second stage submission.

I had discovered further documentary evidence to support my claim, in the original grievance that Rev Luscombe had been grossly unfair to me.

In my second stage submission against Rev Luscombe, I mentioned the captious nature of what Rev Pruden wrote:

"*I told him we could not condone anyone of whatever age undertaking what is formally defined as more than a full time role."*

This was again part of the "ramping up technique, for the implication, indeed the assertion, by Rev Luscombe is that I was applying for "*more than a full time role"* - when I was not.

This manipulation was constant in Rev Luscombe's dealings with me – and the above examples were all documented in my second stage submission. Yet the panel states that there was "no significant relevant information" in the second stage submission.

In my second stage submission I also pointed out that Rev Luscombe contradicted himself. In my original grievance I claimed he had said.

"*I have talked to colleagues*[168]*,*"

[165] Luscombe response 1.1
[166] Response Luscombe 2.1.1.
[167] Response Luscombe 2.1.2. last line.

In his response he denied this. In my second stage submission, I pointed out that he had also stated:

*"I also consulted widely but confidentially among District and Connexional colleagues taking care to consult those with specific experience of the Methodist stationing process and lay employment as well as senior colleagues with pastoral experience"*[169]

This contradiction, which is backed up by documentation in my second stage submission is ignored in the panel's decision. Nevertheless, the panel states that there was "no significant relevant information" in the second stage submission.

The panel, looking for "relevant and significant information that was not in my initial grievance" failed to spot my allegations that :

1) Rev Luscombe mis-interpreted S.O. 792
2) He deliberately mis-interpreted my approach to him.
3) He used captious tactics to refuse to take my advice.
4) He discriminated against me on grounds of age.
5) His actions meant that there was inadequate pastoral care to the members of three churches in the Circuit.
6) He failed to demonstrate the necessary leadership in the District.

One wonders if the panel had actually read the second stage submissions when they decided that there was "no significant relevant information" in the second stage submissions.

This paper does not press the accusations made against the respondents in the second stage submissions. It points to the attitude of the panel towards these second stage submissions.

The fact that the second stage submissions are regarded as (line 219) "inappropriately long, (line 223) "not consistent with the complaints process" and were indeed (line 134) "unsolicited" made the matter an issue between the complainant and the panel.

To add to this, at line 216, the panel came to the conclusion that "it did not need to send them to the respondents". This is a breach of S.O. 1102 and that in itself is an issue between the complainant and the panel - not between the complainant and the respondents.

[168] Rev Timms grievance 2.1.
[169] Luscombe response 1.2

## XIV

The half truth:

Line 234 - "The timescale did not permit sending those documents to the respondents for further comments"
Line 118 "he later requested a postponement of four months. The Complaints Team refused on the grounds of due process."
Line 234 "The timescale did not permit sending those documents to the respondents for further comments."

The other half of the truth:

As to the implicit failure to work within the deadline, in a letter dated 24th November, Mr. Kitchin stated that the inquiry would reach its conclusion on
*" a) your original written complaints*
*b) the written replies of the respondents*
*c )your written responses to the attached questions, should you choose to reply to them"*

The panel already knew that I was preparing second stage submissions. I had already told them in October (see line 221ff) that I wished to prepare detailed testimony for the panel.

Thus they had some two months notice that such was in preparation and that my estimate was that my submissions would not be ready until some four months later – i.e. in January. In fact I later agreed to have them ready by mid-January and *that was agreed in principle by Mr. Kitchin.*

It was the panel who brought the deadline forward to December 12th. *This is the truth that they did not wish to admit to.*

On November 16th 2016 they sent me a letter which said:

> *" We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*

--00—

There are fourteen instances listed above when the panel wrote a half truth about an aspect of their inquiry. These instances are all

concerned with the relationship between the panel – primarily with Mr Kitchin – and myself, the complainant.

Each half-truth suggests a motive for the omission of the full truth. In general a pattern can be seen in the motive of the panel. There was an attempt to restrict my complaints as much as possible; this began with an attempt to force me to sign a false confession. In many cases there is apparent prejudice against me.

The ultimate attempt to curtail my input into the procedure is the disregard the panel had for the many allegations in my second stage submissions.

The panel attempted to argue that such second stage submissions were not in accordance with the process of the complaints procedure and that they arrived too late for consideration. Ultimately, when they received them, they first of all decided that the submissions would not be considered; then they changed their minds - having realised, no doubt, the unfairness of their original decision.

When they read them, they unjustly declared that they added nothing to the original complaints.

All these actions were to some extent concealed by omissions in this report. The panel was covering up its own malfeasance.

# ADDENDUM 5
# to Set Aside Motion delivered
# to Methodist House 27th January 2017.

Concerning line 596 of the decision of the panel.

At line 596 of the panel's decision is the declaration:

"*In accordance with Methodist Church practice the burden of proof in this investigation was judged on the "balance of probabilities."*

This is in line with S.O. 1133(8c):

*"The standard of proof required to establish a charge is the balance of probability."*

The panel felt the need to define what this system of judgment meant at Line 599:

*"This meant that the complaints team had to be convinced that the complaint was 51% likely to be true; that is, the complainants' story only had to be slightly more plausible than the respondent's story. Expressed another way, the complainant's case would need to be accepted as more likely than not to be true for the complaint to succeed; that it is more probably than not."*

This is an inadequate definition of the system of "balance of probabilities". The panel's definition of the system is faulty.

In particular it fails to point out that decisions may not be made subjectively without forensic examination and assessment. The panel quotes the percentage of 51%, but demonstrates no attempt of how to measure probability so as to achieve this percentage.

This standard of proof is not defined further in the Standing Orders. However, the system is well known in law. It is used in civil courts.

The phrase "balance of probabilities" does not mean that the judge may decide what is *probably the truth on a whim or a hunch -* yet that is what seems to have occurred in this case. Such is even implied by the team's own definition of the system, for their definition does not include any *forensic* obligations placed upon the judge under such a system.

The panel states that it "had to be convinced". In fact the true position is that the panel *needs to work in order to convince itself.*

The two statements may seem to mean the same thing, but they do not, for one of the essentials of the "balance of probabilities" system is that the judge may – and indeed should – take evidence from other, often outside, sources.

In the end the onus is on the judge to *weigh* the two sides – and this requires measurement and judicial assessment.

There are rules and principles involved in the "balance of probabilities". The balance of the arguments put must be carefully considered and interrogated forensically.

**It is clear that the inquiry panel had little more than a layman's view of the rules qualifying the system of judgement on the balance of probabilities. This was one of the core reasons why the inquiry was a failure.**

As with the system of "beyond reasonable doubt" in criminal law, in the system of "balance of probabilities" there must be a desire to find "best evidence". This is required in order to achieve the best measure of the "balance of probabilities".

This "best evidence" may be documentary or forensic evidence – and such will generally out-weigh verbal evidence in the "balance of probabilities."

If, after reviewing documentary evidence and such, the tribunal is still left in doubt, the question is resolved by a rule that the asserting party carries the burden of proof.

There is no position of "reasonable doubt" with the system of "balance of probabilities". The fact that an accuser has provided evidence, but not *sufficient* evidence, to give his case the greater probability, *does not leave any lurking doubt* over the accused.

The probability of both sides must be considered.

Probabilities are measured. The more *improbable* the event, the *stronger* the evidence must be to substantiate it. The *more* probable the event might be, the required evidence to substantiate it is *less.*

A well-known example of this rule is told to students. One side in a case states that a creature seen walking in the public area of Regent's Park ( where there is a Zoo) was a Lion. The other side says it was an Alsatian. Which is the more probable?

An investigation will help.

Lions are rarely seen walking around our parks. And even in Regent's Park Zoo they are locked away in cages. There are keepers at the Zoo whose job it is to ensure that they do not get out. Therefore probability is low –unless evidence is, perhaps, taken from the keepers that a lion escaped. Even so, there is still, perhaps, a probability that the lion would stay away from public areas for fear of being caught.

Nevertheless, it is true that there *are* lions in Regents Park. So the measure of probability cannot be absolute zero. However, to raise that probability level higher would require more evidence – and *strong evidence*.

Other hand, how many Alsatians does one find in Regents Park? Investigation might show that there are many Alsatian owners who regularly walk their dogs in the park. This is high probability and requires less evidence to support it.

This is how probabilities are weighed and measured. Judges in the above homily would wish to hear *strong* evidence before raising the probability that the creature was a Lion.

*Best evidence* is the essential element. The strong forensic evidence of a photograph of a Lion roaming the park could establish the measure of probability. Counting the lions in the zoo would also help.

The key point is that the balance of probabilities is not reached on a hunch – nor on the experience of the judge who simply looks at the initial statements in a case.

The likelihood of facts must be investigated. *Probability must be forensically measured.*

There appears to be no such measurement of probabilities in the considerations of this panel. They work on the basis of what "*is more likely"* or "*more plausible*". This is a subjective approach. They take the view that the respondents are right – and that the complainant must prove 51% that he is right. That is not how the system works. The procedure begins with equal probability or improbability on both sides; the judges then measure evidence, and assess the balance.

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There are many examples of failures by the panel in the present case to properly *measure* the probability of an issue. For the sake of brevity I will list just a few.

A.

"Wishing to become a superintendent."

The rules on probability, as in the "lion example" above, are particularly applicable in one part of this present case. An accusation is raised that I wished to become a superintendent and take on the active life.

If I were a thirty year old man, this idea might be *probable.*

But is it probable in the case of an eighty year old man? For that to be judged probable, very *strong* evidence would be required.

This allegation originates in Line 185:

"*The complainant then presented a paper which proposed his own immediate appointment as acting superintendent."*

The basis for this appears to be a letter (line 205) sent by someone to the panel - detailing yet *another* letter which was actually written to a separate person.

There appears to have been no attempt to see the *original* document, which was clearly the best evidence and would have supported the probability one way or the other.

In measuring on the *basis of probabilities*, the further from "best evidence" that the matter is, the less the measure of probability. The less probable the matter is, the *stronger* the evidence must be to contradict it. When the panel accepted this evidence, it should have realised it was *not strong* – and attempted to find stronger (better) evidence to support the allegation. It clearly did not do so.

There appears to have been no attempt to assess the measure of probability.

The panel does appear to be aware of this failing in its work.

B.

The Westwood email.

Line 410.

*"The Rev Westwood… came forward waving a paper at him saying "it was an email from the District Chair John Hellyer that he was to be allowed four minutes to make any comment about the item."*

There are many points about the meeting of September 16th 2014 on which the balance of probabilities should be measured, this is a particularly pertinent one.

Rev Westwood's contention was that the email was from the District Chair. This appears to have been accepted as "probable" by the panel.

However, there was another side to the probabilities which they did not assess and measure.

(i) Rev Westwood would not allow me to see this email at the meeting or later – why not, when it would have established her right to interrupt me?

(ii) Rev Westwood was on sabbatical during this period. There was no apparent reason why she might have been called in from that sabbatical to make the intervention – *for Rev. Luscombe was actually in charge of the matter under debate and was available*.

(iii) Further, when responding to my grievance, *Rev Westwood made no mention of this email.* That was odd, for it would be powerful evidence that the District Chair had allowed her to intervene as she did. Why should she leave that evidence out of her response?

(iv) Rev Westwood later claimed that there had been an arrangement for her to take over the chair of the Circuit meeting – *yet the minutes do not record that she did so.*

These questions raise a probability that Rev Westwood was exceeding her authority in by-passing Rev Luscombe in this meeting.

How did that probability balance against the verbal assertion by Rev Westwood? We cannot know – for the panel *did not work towards measuring that balance.*

In this example, the *best evidence* to use in *finding the balance* is the supposed email itself. In spite of my repeated requests, the panel

appears to have made *no move towards locating and securing that email.*

This again demonstrates that they did not understand how they should properly make a judgement based on the "balance of probabilities".

There is some further documentary evidence which might measure the balance in this example. In her response to my grievance, Rev Westwood states:

"*What follows is largely constructed from notes made at the meeting*[170]"

If there were notes, those notes are "best evidence".

In fact, due to her actions rather than her words at the meeting in question, I began to suspect that the paper of the email she flourished were in fact the supposed "notes" she was taking – for she had no other paper with her.

The key reason why the panel should have obtained the email is that the complaints which they were investigating began with my allegations concerning the manner in which the circuit meeting of September 2014 was run and recorded. The content of this supposed email was the essential element in determining the manner in which the meeting was run.

How many points on which probability could be measured *were available to the panel* – and how many *did they actually use*?

It seems that their balance of probability measure was based solely on what Rev Westwood said. As was once famously said in court *"well, she would say that wouldn't she?*

I do not criticise Rev Westwood here. That is not the point of this paper. I criticise the panel – because it is quite clear that there was no desire at all to properly measure the level of probability in this dispute. Such was their duty – and they failed to carry it out.

They trusted Rev Westwood, they did not trust me – that was their simplistic balance of probability. They thought it "more likely" that she was right and I was wrong. On what basis of probability was that decision taken?

[170] Westwood response line 2

C. Balance of Probabilities influenced by delay.

The balance of probabilities is also influenced by availability of evidence.

This is sometimes an issue if one of the parties does not attend a hearing or does not tender evidence to the hearing. If such is because of reasonable or unavoidable delay, the judge cannot fully consider the balance of probabilities.

In other circumstances, a judge may demand to see certain evidence, particularly "best evidence" which is being withheld from him - if he considers such evidence necessary to properly measure the balance of probabilities. The alternative might be for him to abandon the case.

In this present case, the panel decided that it was reasonable that the withholding of help to the complainant in obtaining various documents and witnesses was "not disadvantageous".(line 268)

This particular evidence was not *inadmissible*, and the withholding of it was potentially a breach of Standing Orders. To measure the balance of probabilities, the panel should have seen the documents and witnesses I wanted to provide. They did not.

Worse, it seems that their action was, in fact, a *direct intervention* which affected the balance of probabilities in favour of one side against the other. Best evidence was not sought, indeed, it was avoided – by the panel.

The panel had no right to do this. By doing so, it made itself incapable of properly considering the balance of probabilities.

A tribunal, which is working on the basis of a balance of probabilities, may not intervene in the preparation and submission of evidence in a manner that unjustly tilts the balance of probabilities; for this makes the balance an impossible goal. All evidence must be considered if the balance is to be fair and correct. In fact, the more evidence - and the stronger the evidence - it considers, the better chance it has of assessing which is "best evidence" - and therefore the best measurement of the balance of probabilities.

It is one thing to fail to look for evidence – it is quite another to refuse to look at certain evidence.

The only solution in this case was for the panel to first resolve the question of the "undertaking" (line 770). Only then could I have acquired the evidence I wished to present. And only then could the panel reach a fair measure of the balance of probabilities.

This aspect of the balance of probabilities affects the entire decision of the panel.

D. Medical Opinions.

Another area where the panel incorrectly applied the rules of the balance of probabilities was in its assessment of my health.

Actions were taken and judgments made - without reference to medical opinion from my doctor and the Conquest Hospital in Hastings - that I was too ill to attend the panel's hearing. I was taken into hospital twice during the latter parts of this complaints procedure.

At line 135 the panel states:

"*The team therefore believed that, as he was well enough to write, collate and send these documents, he would have been well enough either to speak with us or to answer our much briefer questions in writing*"

They thought it "more likely" that I would lie about facts *which could be easily checked by the panel*.

Is "more likely" a proper assessment of probability? What about "best evidence"? This is a lazy judge who cannot be bothered with doing the job properly.

Where is the *forensic* assessment of probability here? The opinion is a mere hunch.

Let us examine the possibilities of measuring the probability.

The judgement was that it was *probable* that I was fit to attend the panel meeting because *I was fit enough* to write the voluminous letters and reports which I submitted to the panel over the period of three or four months. There was therefore *some apparent evidence* on which to base that assessment of probability.

But was it *"best evidence"* - and were *other probabilities* explored and measured? Did the probability against me reach the 51%?

A means of finding "best evidence" on this aspect was available. There was possible recourse to consider the views of my G.P. I offered this. It was available to them, but *they did not ask for it*, nor did they wish to consider it. This, I contend, would have affected the balance of probabilities considerably in my favour.

As to the voluminous writing - my friend Peter Hill went to see Alan Bolton on November 29th. During that meeting he not only described

my health to Rev Bolton, but also detailed how I was able to *apparently* write as much as I did.

When I first became ill, I contacted Peter Hill. We set up a system for dealing with the matter. I would sketch letters and such, send them to Peter, or he would record what I said on the telephone with a dictaphone. He would email drafts to me. I would later add to these drafts on the telephone.

Peter also made several trips from London to Bexhill ( for I was not fit to travel) and he took dictation from me. I recall at least two whole days doing this, for I found it very tiring.

This was not an easy process, but the only one that I was capable of. Peter told me that he described this to Alan Bolton. He added that he thought it was affecting my health. Alan will no doubt confirm this.

The evidence from my doctor – and also from Peter Hill and Alan Bolton - was available to the panel. They chose not to seek it, and therefore did not consider it. Thus the balance of probability was unjustly weighted against me.

The panel decided that it was "more plausible" or "more likely" that I was *not* telling the truth about my health than that I *was* telling the truth. They did not see the need to examine such further evidence – because they did not understand the system of "the balance of probabilities".

Looking at the rules of the balance of probability, was it really *probable* that I was in some way faking my ill-health - *when I had to go into hospital twice* in the latter stages of this complaints procedure?

Surely it was highly *probable* that I was too ill to attend the meeting?

The rule is: the more *improbable* the event, the *stronger* the evidence must be to substantiate the assertion that it is probable. What was the strength of the evidence that the panel decided put the *improbability* of my claims over 51%? Apparently, it was a mere hunch.

Is it probable that I could fool the doctor and the hospital and that I was actually fit enough to attend the hearing? Or is this improbable?

If one considers that it is *less* probable ( because doctors and hospitals are experts) then one must search for corroborative evidence to support any contrary contention - for the level of evidence to make it *improbable* must be *strong.*

In fact the panel did obtain some further evidence, though perhaps by accident.

The panel was given evidence that appeared to strengthen the probability that I was fit enough to attend the hearing.

Although ill – and advised against doing any work by my G.P. - I fulfilled a long-term engagement at a local church. I also visited a care home. This was several weeks after coming out of hospital for the first time.

Word of this (which actually constituted a breach of confidence) reached the ears of the panel. This was added to the measure of the probability that I was faking my illness.

If this is what the panel thought constituted a "51% probability", then it was achieved with evidence that was at least *second-hand hearsay* evidence. This was hardly "best evidence".

On a hunch and on second hand hearsay evidence, the panel simply contended that it was *probable* that I was fit enough to attend the inquiry. They demonstrated no desire to know anything of the probabilities on the other side of this fact at issue. There was no proper measurement of the balance of probabilities.

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From the above, it is clear that errors were made in the use of the system of "balance of probabilities".

I refer you to S.O. 1100 (3 vii):

"*there should be a means of correcting any errors which may be made."*

Throughout the procedure, my protests about the way the panel was acting were ignored.

The panel did not comply with this Standing Order.

In conclusion, I refer to S.O. 1100 (3 vi) which states:

*"the person or body making the decision at each stage should be competent to do so*"

It is clear from the above (and elsewhere in the decision) that the persons on this panel had little or no idea of how to assess a case on *the balance of probabilities.* Their own definition of the system is faulty and means that decisions were made subjectively without forensic examination and assessment. In general, only one side of the probabilities was assessed.

This indicates not only that they were incompetent to judge the case, but also that they breached S.O. 1133 8c:

*"(c) The standard of proof required to establish a charge is the balance of probability."*

They did not achieve the standard of proof necessary to establish their charges under the rules of the system for judging on *the balance of probabilities.*

This was because they were largely ignorant of the rules of the system of judgement they were using.

They do not appear to appreciate that the probability of *both sides* must be examined and measured in order to balance the probabilities. Their practice, as determined in their definition was simply to assess the probability – or likelihood – of one side.

Consider again how, in the example of the Lion and the Alsatian in Regents Park, probabilities of *both* sides are examined.

Is there any similarity in technique between judgment in that story and what occurred in this present case?

I think not.

The system is demanded of them by Standing Orders, yet they demonstrated that they knew little or nothing of it.

The decision of this incompetent panel should therefore be declared null and void. It should be expunged from the record.

The true fault lies with the Complaints team management, for ministers such as those who supported Mr. Kitchin cannot be expected to know the detail of the rules on "balance of probabilities". They needed guidance. Even Mr. Kitchin, though a magistrate, does not demonstrate that he is conversant with the rules of the system. Such panels of inquiry need more effective back-up from those who choose them to make such judgements.

I point you to our Methodist guide "Positive Working Together" (2015) and urge you to stop the downward conflict cycle of this matter at this point and answer the question, "*how does the church expect the Rev Peter Timms and the respondents in this – and others who might become involved at this point - to respond to the conflict which has arisen"?*

If you do not do this, you will allow the conflict cycle to run further and become even more destructive.

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# ADDENDUM 6
# to Set Aside Motion delivered to Methodist House 27th January 2017.

Concerning line 50 of the decision of the panel.

## THE RIGHTS OF THE COMPLAINTS PANEL and its interpretation of Standing Orders.

As a part of the allegation concerning my behaviour made in line 50, at line 287 I am accused of disputing Standing Orders and their relevance.

**The panel decided to investigation my behaviour in this matter during the initial stage of the inquiry, when it had no right to do so. Further, the initial stage was not conducted by measuring the balance of probabilities.**

The panel made use of S.O. 1123 in considering an investigation of my behaviour ( line 50) :

*"(4) The steps to be taken may also include an investigation of the conduct of a person other than the respondent (including the complainant) if the complaints team believes that such an investigation is relevant."*

It seemed clear to me, in early correspondence with the team leader, that the panel had this clause in mind. I considered the problem and came to the conclusion that they had interpreted Standing Orders incorrectly. It was this consideration which led me to ask the panel leader in early October if the panel was investigating me ( see addendum 1).

Clause 4 of S.O. 1123 is, of course, qualified by S.O.1100 (3 v) which states:

*"The process should be fair."*

In more detail however, S.O. 1123 (4) is also qualified by S.O. 1123 (12) which states:

"*In taking the initial steps provided for by this Standing Order, the complaints team must not come to any conclusion on the facts or merits of the complaint except to the extent necessary to reach the decisions required."*

(my underlining)

This latter clause qualifies the decision to investigate the complainant, in that such a decision cannot be taken without considering the "*facts or merits of the complaint".* (Please note that this phrase does not include the word "*complainant*")

In order to clarify my point, I paraphrase the above into plain language:

*Prior to deciding that a full investigation should be undertaken, the panel must only consider evidence in so far as a prima facie case can be established. The process should be fair.*

In order to determine the "*facts or merit*", both sides of any dispute must be considered if the consideration is to be fair.

The team was unanimous that a full investigation should take place (line 43); one of the reasons for this was "the apparent behaviour of the complainant"

I have re-read the original responses by the three respondents. I see nothing in the grievance against Rev Luscombe, nor his response about my behaviour. The worst that might be said is that he remembered conversations differently to my recollections.

The response by Rev. Westwood accused me of being incoherent, and ignorant.

Rev Pruden also differs with me on recollection of words used in conversations, however, there is nothing critical of my behaviour in his response.

There is one possibility: evidence from Rev Heim, sent in a letter to Rev Pruden, stated that I displayed "aggressive behaviour". This is described as "he shook his finger at Rev Pruden") The incident she describes (the nature of which I dispute) apparently occurred during a heated argument at a meeting on an unknown date.

It is important to note that this comment was made by Rev Heim *after she had discussed the matter with Rev. Pruden*. The note was made in February 2016, two days after Rev Pruden completed his response to my grievance.

It seems clear from this that Rev Pruden was asking Rev Heim to support his response – yet her reference to my behaviour occurs only once in two long paragraphs. The manner in which this statement was obtained suggests that the information may not be reliable. The

reliability of the statement is also affected by the fact that Rev Heim has hearing difficulties.

Considering that the three responses were the only reliable *documentary* evidence that the panel could have had available to it during the initial stage of the process, it seems that the "apparent behaviour" mentioned in line 50 must have come *from some other source*.

An alternative explanation might be that the panel relied upon the single reference by Rev Heim to my pointing a finger. This seems unlikely. However, I would like it clarified whether or not this is "the apparent behaviour" mentioned in line 50.

The first communication I had from the panel, in early September 2016, provides a possible identification of the source for line 50. In one sense, it concerned my behaviour with regard to apparently breaching confidentiality. Breaching confidentiality can be interpreted as bad behaviour.

The timing of this information points to its source. It suggests that the source was Rev Hellyer.

In the decision, Line 774 ff reads:

"*I understand that the Connexional team has reviewed the evidence it holds and has determined, in accordance with Standing Order 1157, that there have been <u>several breaches of confidentiality by me.</u>"*

This of course does not necessarily pertain to any "apparent behaviour" as in line 50, though, as mentioned above, "breaches of confidentiality" might be regarded as poor behaviour.

However, it shows that there was evidence about several breaches of confidentiality given to the panel. The *motive* for informing the panel on such might be a part of the balance of probabilities on this issue.

The source of this would appear to be Rev John Hellyer, the District Chair, for it was he who originated at least one of the communications mentioned in lines 756 – 766.

The opinions of Rev John Hellyer, or some other person, appear to have been taken into consideration <u>without question</u> when the panel was deciding *whether or not* a full investigation should be necessary.

I was handicapped in presenting my case on this, for I did not learn of any such intervention until one of the emails used by the panel, (lines 756 – 766) was sent to me *two and a half months later,* on November

16th. (see appendix Q in original set-aside motion). I had knowledge that Rev Hellyer, surprisingly, had an interest in this matter because he sent me an email about it on September 9th. Of course, the three respondents were all on his staff.

In fact I had a justification for my actions – I did so in accordance with S.O. 040.

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We reach the point in this consideration at which my interpretation of Standing Orders appears to differ from that of the panel.

The complaints procedure, although in two stages (the initial stage and the full investigation) is nevertheless one single process.

S.O.1100 (3 v) stipulates that: *"The process should be fair."*

The decision taken *during the initial stage*, that a full investigation should be undertaken, was influenced, in part, by the evidence of one or more persons adverse to my search for openness, truth and fairness.

In order to be "fair", surely I should have at least been contacted so that the panel could balance adverse opinion with its own assessment of the allegation, having heard from me. In addition to this there are the strictures of the system of the "balance of probabilities".

What actually happened may seem reasonable to some. After all, was there not to be a thorough investigation later, during which I would have a right to be heard?

Of course I was not, as it transpired, allowed such a right of reply.

However, hypothesise for a moment the implications of such a method of deciding whether the panel should proceed or not.

What if the person showing hostility to my search for openness and truth had said that the panel should investigate the matter because of something more serious – perhaps that I had sexually assaulted a lady in a church? Would the panel have proceeded *without attempting to discover more about the allegation*? Should there not be at least *two* independent sources for such an allegation? Should such an allegation not be documented and shown to the complainant?

Or should the allegation simply form the start of an investigation into the truth of the matter, *without the complainant being aware that such an allegation has been made*? That is the stuff of a Kafka novel.

And when the complainant asks the panel whether there is such an allegation or such an investigation in progress, should the investigators deny that it is so? Should the complainant at least be aware of the charges?

The panel appears to interpret the Standing Orders to mean that the initial stage does not require an even-handed approach. This is not in accord with the requirements of a balance of probabilities, nor of fairness.

What seems to have occurred is not the *best*, nor the *fair* way to take evidence. In the case against me, the panel appeared to have accepted - apparently without question - hearsay evidence from an adverse source. This was little better than gossip. This is not fair process.

By not investigating my side of this matter, the panel did not consider enough evidence to reach the "*extent necessary to reach the decisions required.*" But such is the requirement of the clause.

The panel was thus in breach of S.O. 1123 (12).

"*In taking the initial steps provided for by this Standing Order, the complaints team must not come to any conclusion on the facts or merits of the complaint except to the extent necessary to reach the decisions required."*

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However, further examination of S.O. 1123 and 1124 shows that the panel actually had no right to do what it did. There was no need, nor requirement, to reach such a decision at the initial stage.

S.O. 1124 (para 1 ) states

"*As soon as possible after it becomes clear that the complaint is to be fully considered, the complaints team must agree what further steps are to be taken to investigate the complaint. They may subsequently agree that additional steps must be taken or that certain steps are no longer required."*

The key word in the above is "after". I underline it. Please note too the words "further steps".

Among those further steps "*which may be taken*" is clause (4) which allows the panel to investigate the complainant.

It seems clear that the intention of Conference was that once it was established that there was *cause* for a full investigation, the inquiry panel should initiate the full second stage. Only at this point might

"further steps" be taken. Those *further steps* include investigating the complainant.

Conference is not foolish. Standing Orders are written after careful and wise consideration of the wording and order of the rulings.

The panel in this case interpreted the Standing Order in a manner which I believe Conference would not ever contemplate.

The investigation into my behaviour had begun during the "initial stage". Indeed, the matter of my behaviour actually *began* the "full consideration". The very first letter I had from the panel was the "undertaking". This was effectively a false confession about a breach of standing orders – information about which had been provided by Rev Hellyer.

This ill-consideration of Standing Orders led the panel into dangerous areas. The panel listed (line 45 onwards) three reasons why it decided to undertake a full investigation. What would happen if two of those reasons were so baseless that they could be eliminated immediately when a full investigation took place? The full investigation might still proceed with the third reason.

This hypothesis would mean that a full investigation might take place *simply because there was a desire to investigate the complainant*, no matter the strength of the complaint he or she was making.

The panel's decision on this meant that, if they had found that there was no merit in the complaints made in my case, there was still merit in investigating and accusing me.

I make this point simply because at line 287, the panel claims, with adverse implication, that I disputed Standing Orders and their relevance. I do exactly that here.

I may go further and state that the decision in line 50 to investigate the complainant during the initial stage, is actually *against Standing Orders*. The panel had no discretion in this matter. S.O. 1124 is quite clear on the point.

Please consider again S.O. 1124 where it states in para 1

"*As soon as possible after it becomes clear that the complaint is to be fully considered, the complaints team must agree what further steps are to be taken to investigate the complaint. They may subsequently agree that additional steps must be taken or that certain steps are no longer required."*

Again, the key word in the above is "after". I again underline it.

According to S.O. 1124, clause 4 cannot be triggered until the requirements of clause 2 have been complied with. The word "after" is used – as mentioned above. The clauses are numbered, as they are, *for a reason.*

In other words, steps to investigate the complainant cannot take place in the initial stage.

The panel seems to be unaware of this interpretation of S.O. 1124. And yet logically it is the true interpretation.

The inclusion by the panel into the apparent behaviour of the complainant in the reasons for proceeding to a full investigation, constitutes the panel's second breach of Standing Orders in this consideration of line 50.

It was this kind of sloppy thinking by the panel that I found myself confronted with throughout the procedure.

In spite of the above, I was accused of "attempting to undermine the connexion complaints process" (line 285) and indeed "bullying" (line 297) by pointing out similar possible misinterpretations of Standing Orders. I wondered if it was an attempt to enrage me in order to prove a point for which it had no evidence.

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I contend that the complaints panel is in breach of Standing Orders by:

a) not considering the qualification of S.O.1123 by S.O.1100 (3 v) which states: *"The process should be fair"* and

b) not reading Standing Order 1124 carefully enough and thus breaching it.

These were simple errors of interpretation.

I therefore now refer you to S.O. 1100 (3 vii):

"*there should be a means of correcting any errors which may be made.*"

Since this document concerns the interpretation of Standing Orders, and since I have been told in a letter from Alan Bolton that there is no appeal against the decision of the panel, I refer you also to S.O. 1140:

*"Appeal to a Connexional Appeal Committee.*

*(2) The grounds of appeal for the purposes of this Standing Order are that:*
*(i) there was a material procedural irregularity in the initial hearing;*
*(ii) the initial committee made a mistake about a relevant point of law or of the constitution or discipline of the Church;*
*(iii) the initial committee erred in its conclusion on the question whether such of the words, acts or omissions complained of as it found to have been established:*
*(b) seriously impaired or might seriously have impaired the mission, witness or integrity of the Church, having regard to the respondent's office or standing in relation to the Church;*
*(iv) the initial committee erred in its interpretation of the doctrines of the Church"*

I think it clear that the panel is guilty of infringing *all of the clauses in this Standing Order.* There is a clear duty on the connexion to consider what to do in this matter. The Connexional Appeal Committee might be one way.

I refer you to page 15 of "Positive Working Together" – the booklet that the panel (line 64) read as part of their preparation.

"*What happens to a little problem that doesn't get resolved when it's little? It gets bigger and bigger until it becomes a real problem that's going to require a lot of time, energy, and resources to be solved. It's much easier to confront problems early, while they're still small and manageable. When a problem isn't addressed quickly, it can easily spin out of your control.*"

That is what is now occurring with this panel's decision. You will recall that I warned you of this in my set aside motion *before the panel sent you its decision.*

# ADDENDUM 7 to Set Aside Motion delivered to Methodist House 27th January 2017.

Concerning organised attacks on
the character of the complainant.
With reference to lines 753 – 766,
lines 284 – 292, 273 – 275.

Throughout this set aside motion I have stressed that my main concern is the atmosphere of the local Methodist community. I am primarily concerned with the Hastings, Bexhill and Rye circuit - though my contacts around the region suggest that the problem I have noted stretches further across the South East.

I have attempted at all times in this complaints procedure to only state what I can support with documentary proof. Further, I have consistently sought reconciliation.

There is however, the type of proof which some call *"the dog that did not bark"*. This is a reference to a Sherlock Holmes story called "Silver Blaze" in which the fact that a dog did not bark during the night when a race horse was removed from a stable was an important clue in solving the mystery of who had removed the horse. In short, omission is sometimes a potent indication of the truth. Such omission occurs in this complaint inquiry's decision. It has happened three times

I have been aware throughout this procedure over the past two years that I have been under some kind of surveillance. It has not been constant, and I have so far only heard the "echoes" – gossip.

However, I now think it has been more serious than that. I believe there has been systematic surveillance and defamation of me.

I complained about this kind of antipathy and adverse action towards me in my original grievance against Rev Luscombe[171]. I wrote:

*"To report to this circuit that any other clergy person of any denomination sympathetic to Methodism could be considered, but that I was to be excluded from consideration"*

However, such matters are rarely capable of documentation.

[171] App AAA1

I first considered that documentation might be found to support a concerted campaign against me when the matter of the John Troughton email arose. This is covered in lines 756 to 766 - where a letter to Paul Martin is also included.

This "Troughton email" is the cause of most of the problems with the way in which this inquiry has been run. It was sent before the inquiry began.

I first learned of the use of this email when Rev Hellyer sent me an email on 9th September[172] telling me that he was aware that I had contacted the circuit stewards "about the complaint". He added that I could not bring the matter up at a circuit meeting.[173]

The email I had sent to Troughton contained the words:

*"At present there is an independent investigation being conducted by Methodist Headquarters which involves considerations relevant to Rev IP integrity and honesty whilst in the role of superintendent in this Circuit concerning me and my ministry in this Circuit."*

I had, in fact, sent letters to *all* the circuit stewards – one is quoted by the panel at line 763 – containing the words:

*"that the circuit stewards be made aware of that information to enable them to consider it as part of their role as custodians of this circuit*"[174]

I did this in order to comply with S.O. 040.

Clause 040 of the Standing Orders states:

*"Failure to Fulfil Obligations:*
*Where it is alleged or appears to the Chair that a minister in the active work has persistently or repeatedly failed adequately to fulfil his or her obligations, but there appears to be no ground for a charge under the provisions of Part 11, the Chair may, upon receipt of a reasoned request in writing from the Superintendent, a circuit steward, or any other member of the Circuit Meeting concerned or on his or her own initiative, request the Chair of another District to appoint a Consultative Committee to consider the matter."*

The relevance of this Standing Order to the situation at the time was

[172] App AAA 2
[173] I consulted Bellamy's guide (2008 edition) and found (13.4, footnote 64)
"If a District Chair has concerns which he or she believes ought to be drawn to the attention of the connexional complaints team he or she should contact the relevant connexional Team member." In other words, in informing Alan Bolton, John Hellyer apparently did the correct thing. However, in a conversation with Peter Hill, Alan Bolton had no recollection of this email.
[174] I quote from the report. The original letter is held by the panel – I have not been allowed to see a copy. I do not dispute the general thrust of the letter.

that circuit stewards - or indeed any other member of the circuit meeting - could send reasoned requests to the Chair to request that a chair from another district be appointed in such circumstances as we found ourselves.

In fact, I had a duty under this Standing Order to do that myself. However, in the circumstances, since I was the complainant, I thought it best to simply remind the Stewards of their duty to consider this.

There was of course, a question of confidentiality, but stewards are covered by S.O. 1104 as I, and they already knew of the grievance having been lodged. I was therefore not informing them “about the complaint,” but reminding them of their rights and duties.

I had made no specific charges against Rev Pruden in what I wrote.

In fact, I firmly believed that Rev Pruden did not fulfil his obligations as Superintendent either at the circuit meeting of September 2014, nor in dealing with the minutes of that meeting in 2014, nor in how he dealt with me when I complained about the conduct of the meeting, the scrutiny - or lack of – of the minutes. In short, I thought him incompetent. However, I did not mention such to the stewards.

I further considered that a consultative committee was the best way forward in the circumstances, though I did not press that option – such a decision was for the stewards to take. However, they needed to be made aware that they had that option. It was the safe thing to do.

I did not do this surreptitiously, nor to selected stewards. I wrote to all of them. There was nothing underhand about this.

Whether or not I was correct in my reading of Standing Orders in this is *not the point in this addendum.*

Nor indeed is the question of confidentiality. What I did was to remind them of a rarely used, but important, duty that they had as stewards

The importance of this *in this addendum* is the intervention by Rev Hellyer the district chairman which took place even before the inquiry began.

How did John Hellyer come to obtain the information from John Troughton- and then, within a few days, from Paul Martin?

There might have been several possible explanations, one being that Rev Hellyer had asked some person in the circuit for any damaging or troublesome information about me.

I was drawn to this latter explanation because, in my experience,

circuit stewards are not particularly *au fait* with rules on confidentiality in the complaints procedure. I thought it unlikely that they would report a suspected breach of confidentiality in the email and the letters already sent to them.

After all, they might think, why would I breach confidentiality so blatantly to *all the stewards*, when, if I wished to breach confidentiality I might best do it by speaking to just one of them on the telephone?

If I had really wished to do Rev Pruden harm by spreading the news of the complaint against him, surely the telephone call would have been the best means of doing it? In that call I might have mentioned that he had not cared when Standing Orders had been breached at the meeting of September 2014 – because he was being promoted. Anything is possible in gossip.

The change in the perception of the email and letters, from *advice* to *breach of confidentiality*, appeared to show a guiding hand of someone *who knew details of Standing Orders.*

I took this up with the inquiry panel on 20th October 2016. I wrote in an email:

*"With reference to Mr. Troughton, who is now the Circuit Senior Steward, he has been aware of the current issues since 2014. He was the man who, in the September 2014 circuit meeting, threatened violence against my person and moved from his seat to give substance to that threat. The District Chairman, Rev John Hellyer, is the only person who could have provided you with the information regarding the discussions at the invitation committee. Naturally, I want to see copies of all the exchanges that have taken place between you and the District Chairman."*

I never received a reply to this. I thought that significant.

I had reasoned that, if John Troughton and Paul Martin had sent the email and letter to John Hellyer, then there must have been some prompting *prior to that* for them to do so. Circuit Stewards and District Chairs are not normally on such close terms that they freely exchange information. It seemed logical that someone – and I thought probably Rev Hellyer - had circulated some kind of communication to stewards requesting that they pass on information about me.

This confirmed to me that the tittle-tattle going around the circuit about me was in some way orchestrated. A minister – and, as I suspected, probably Rev Hellyer – had actively organised some kind of spy network to keep "tabs" on me. I was under surveillance

Why else would these two stewards send him the email and the letter which had merely told them what they already knew?

However, there was no real proof of any intent – so I did not press the issue.

**And then came the "dog that did not bark".**

I was very surprised when I received a letter from Mr. Kitchin dated 16th November. This letter included the words:

*"You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7th November 2016 and visit the MHA Richmond Care Home.*

*We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*[175]

The *second* paragraph demonstrated that the panel believed the truth of the *first* paragraph. As with the Troughton email, I was found guilty before I had even heard the charge.

But who had supplied the information in the first paragraph?

None of the events concerning this are mentioned in the inquiry's decision.

The accusation, indeed the whole story, *is simply left out* – in spite of the fact that, as explained in the second paragraph, it was this information which led the panel leader to break the undertaking he had given to me earlier - by bringing the hearing of inquiry forward from January to December.

That change of date might be viewed as spiteful, it was clearly ill judged and was a crucial intervention – and yet *the panel's true reason for it is left out of the panel's final findings* and their decision.

Worse, at line 135 a *substitute* reason is included – this is to the effect that, if I was *well enough* to write voluminous material, I *must be well enough* to attend the meeting in December.

Why would the panel leave out the information about the Sackville Road meeting and the visit to the MHA – and instead substitute the somewhat spurious notion that, if I could write a lot, I was not ill?[176]

[175] App AAA 3
[176] For further on this see Addendum 5 page 9 – Peter Hill was doing the writing.

I am particularly concerned about this because the truth of the matter supports my general contention about the pernicious atmosphere within this Circuit which is seemingly supported by the District.

The facts are that, a few weeks after my first stay in hospital, I attended the Sackville Road church to fulfil a long-standing invitation to speak. In fact I only managed to speak for about seven minutes I then needed to sit down and rest with a cup of tea.

When I left there, I drove home via the MHA Richmond – mainly to tell them at the home that I was getting better and would soon be able to spend more time with the old people. I sat down talking to some of them.

All this was swiftly reported to Mr. Kitchin – and he responded with the letter quoted above.

*What actually happened here?*

I was at both venues of course - but I did not see any of the respondents there. In fact there were no senior members of the circuit present at all, not even stewards.

Was it possible that the source was *one single person* who attended at the two venues? I certainly did not see anyone at the church who later went to the MHA. Why would they do that?

Was it possible that someone who saw me at the church followed me after I left? How could they know that I was going anywhere except to my home? I had clearly been ill at that meeting – everyone present must have realised that.

The simple, indeed obvious, explanation would be that *two persons*, one at the church, another at the MHA, separately and independently, reported my presence to someone - who then passed the information on the Mr. Kitchin.

But how could any lay person at either venue know that *my health* was an issue in the complaints inquiry? How could any lay person there know who the complaints team leader was?

<u>They must have been told.</u>

Such a scenario seems to be more than a coincidence. It seems organised. As with the Troughton email and the Martin letter, it would seem that there had been prior prompting at both venues that people should report on matters concerning me.

The word had gone out – 'keep tabs on Peter Timms and report'. The only question was – report to whom?

As you will know, ordinary members of the Methodist community do not normally report to the District Chair – they probably do not even know how to do that.

If the informants were lay persons, as seems likely, then they would more likely report to the Superintendent Minister or a circuit steward.

In such circumstances, the ministers involved in this would be Rev Pruden, possibly Rev. Luscombe and Rev. Hellyer.

However, I think it unlikely that Rev Luscombe and Rev Pruden would speak to the leader of the panel without first consulting Rev Hellyer.

So who were the informants and who told them to report on me and my movements? Had the stewards been told – and did they pass the request on to the lay persons in the community? Or did the ministers make the request directly?

This information was, in some way, collated. If the matter of the Troughton email and the Martin letter set a pattern, then the pattern here might be that Rev Hellyer was the person who told Mr. Kitchin.

Here, the standing, role and action of the District Chair comes into question. Mr. Kitchin is not a minister. Would he feel the need to double-check a story that came from such a reputable senior person as Rev Hellyer? Surely the word of a District Chair is authoritative - and is to be trusted?

Is that why the panel *paid no attention to my explanation of the two visits.* Is that why they took no notice of my reasons expressed in my letter to Mr. Kitchin concerning S.O. 040 with regard to the Troughton email? (The two matters were dealt with almost concurrently in mid-November)

In a letter of 18th November I made the same points about the Sackville Road and MHA visits as above - though I added the point that he panel was accepting, as true, hearsay at second, or even third hand, information. I also mentioned that they should have refused to listen to such gossip.

The panel appears to have been happy to accept both the Troughton email incident and the Sackville/MHA incident - without questioning where this information had come from and how it had been collected. This is contrary to many Standing Orders. Surely the only excuse for this is that the panel had complete trust in the source and assumed that the background of the collection of the information was in no way

contrary to Standing Orders. Only someone as authoritative as Rev. Hellyer could have engendered such trust.

However, when it came to the report on the inquiry, the Sackville/MHA episode was left out. Why?

Did the panel suddenly realise that *there had indeed been an organised surveillance operation going on against me in the Bexhill area?* My letter to Mr. Kitchin certainly suggested such. Would that not support some of the contentions I had made in my original grievances about the antipathy shown to me? Did that not contradict the information the panel had from their authoritative source?

Such might be embarrassing - considering that they were accusing me of bullying, manipulation, disputing Standing Orders, refusing to answer questions etc (see Lines 287 – 292).

What other possible explanation can there be for them leaving this Sackville/MHA affair out of the final decision and *substituting the idea that I was fit enough to attend his meeting* because I could write a lot.

This was particularly embarrassing because, by then, they had been told that I was under the day to day care of the specialist cardiac team.

Acknowledging that I had been harassed by organised surveillance, would mean that the panel's schedule would fall apart and their previous accusations would count as nothing.

I suspect they could not contemplate that. It would highlight their gullibility.

However, if they had paused for further thought, a recapitulation of the evidence might have brought a further point to their attention.

**Because there is a second dog that did not bark – the Westwood email.**

The piece of paper which started the whole argument was the supposed email from Rev John Hellyer which Rev Westwood claimed sanctioned her actions in the circuit meeting of September 2014.

I have consistently asked for a copy of this document – because it was central to the entire proceedings at the Circuit meeting of September 2014. I was never given it, nor is it mentioned in anything that Rev Westwood has since written about the meeting.

It actually vanished from the evidence.

Why should this document not only *not be produced*, but actually disappear from all evidence?

After all, it would have proved a major point in this dispute. It was Rev Westwood's authority to intervene and cut short, or silence, my contribution to the circuit meeting of September 2014.

But it vanished from evidence.

I have come to the personal conclusion that the email never existed, though I cannot prove this. Producing it would have been conclusive proof that indeed it said what Rev Westwood claimed - that the District Chairman had given her instructions to silence me.

However, if it did exist, according to Rev Westwood it was written by Rev John Hellyer. Indeed, if this is true, the cause of the entire dispute was this particular email from Rev. John Hellyer.

The fact that the Sackville/MHA accusation did not appear in the panel's decision is *one* piece of evidence that was cut out of the panel's decision – the Westwood email may well be a *second* piece of evidence that was cut out of the final report of the inquiry. After all, the only mention of it in the report is in *my grievance* – at line 410.

And yet it was the cause of the whole affair.

Two apparently important pieces of evidence that vanished during the inquiry - the MHA/Sackville matter and the Westwood email - added to the Troughton email, all have possible links with District Chair Rev Hellyer.

Could it be possible that Rev Hellyer had a greater hand in the matter than he should have had?

For there was clearly *a breach of confidence* committed in the Sackville/MHA matter which *was ignored* by the panel.

After all, as we have seen, who in Bexhill knew that *my health was an issue* in the timing of the inquiry? Who knew to report any information about my health?

And yet the persons who reported my actions *came from Bexhill*. They were *lay members* of the church. These were persons who had been told that my health was an issue.

When this information was conveyed to Mr. Kitchin he was still demanding that I sign a confession to having breached confidence. He was fully aware of the importance of confidentiality. Why then did he fail to spot that *at least two lay persons in Bexhill* had informed on me

– when the knowledge which caused them to do so was clearly a breach of confidence?

It must have taken some strong advice from someone with considerable authority for Mr. Kitchin to ignore this breach of confidence. After all, it may have involved one of the respondents, Rev. Pruden.

Perhaps it is not surprising that the panel left all reference to the matter out of his report. My letter of 18th November[177] explaining this seems, on reflection, to be crucial in this matter. It turned the inquiry on its head.

There may be another reason why the Sackville/MHA affair was left out of the report. The events clearly confirm my earlier suspicions that I was placed under organised surveillance in Bexhill – and that it was not a "spur of the moment" thing. *It must have been organised in advance.* How else can we explain two such identical incidents on the same day, in different locations, in Bexhill?

The possibilities of this are worrying. If the persons involved had been primed to watch out for indications of my health – what else might they have been primed to spot? A further breach of confidentiality perhaps? A repetition of the John Troughton scenario? Or was the plan simply to discover any "dirt" that could be found in order to blacken my name before the panel under Mr Kitchin? How far-reaching might this conspiracy to obtain such material have been spread?

And if the position of the respondents was as solid as was being claimed - then why was there such a need to conspire to destroy my search for truth and fairness?

From the panel's subsequent treatment of me, it seems that the aim was to label me as an unwelcome whistleblower. Who would wish to do that?

I lay the responsibility for this with Rev Hellyer. After all, it was he who received the email from John Troughton - which he then, in some fashion, ensured would be passed on to Mr. Kitchin. He set the pattern – and it must have been planned in advance.

Further, for all my criticism, I do not believe that any of the three respondents would instigate such an operation *without Rev Hellyer knowing about it.*

Indeed, I am not at all sure that persons in Bexhill, such as those who

[177] App AAA 4

reported my visits to the Sackville and MHA venues, would go along with the idea - unless they knew that the request for surveillance had come from the District Chair. After all, is he not in charge of all complaints?

To fully understand this, we must consider the importance and the authority of the District Chair. Stewards and lay persons do not contact the District Chair regularly. Indeed, they may feel they should not bother him with their thoughts and problems.

Another consequence of this organised investigation against me may be the consistent and adamant refusal by all three respondents to be reconciled with me. The District Chair *should have been stressing the need for reconciliation* throughout the initial stages of the grievance – as I was.

Clearly Rev Hellyer did not stress the need for reconciliation, for I doubt that all the three respondents would have given such emphatic responses as they did if he had done so. Significantly, all three colleagues were part of Rev Hellyer's district team.

The most likely scenario therefore is that Rev Hellyer approved of the refusal to go to reconciliation. I consider this to be against Standing Orders – and indeed a dereliction of his duties.

To summarise the role of the District Chair in this inquiry:

a) He issued the email which prompted Mr. Kitchin to issue the "false confession" without question.
b) It seems that he provided the copy of the letter I sent to Paul Martin.
c) He appears to be the likely person who instigated the surveillance on me in Bexhill.
d) In each of these above actions there was danger – indeed likelihood – that confidence was breached.
e) He may be the person who discouraged my attempts to be reconciled with the respondents.

Let us consider Mr. Kitchin's role in this. He is not an ordained minister, so anything that was said or done by a District Chair would appear to him to reflect the manner in which matters are dealt with in the Methodist Church. He would also be very unlikely to doubt the word of a District Chair. He may well have allowed himself to be guided by the District Chair – one might not criticise him for this if he did.

But I believe that there came a point – probably with my analysis of the Sackville/MHA matter – when he and his colleagues on the panel

began to have doubts about what was going on. I think it unlikely that they would come out publicly and state that they were not happy with some of the things that had been done – particularly by the District Chair. However, they may have first decided *not to answer* my points about Sackville/MHA – and then secondly, to *leave the incident out of the panel's decision*.

There must be some good reason why they left it out.

I think this wrong. I have consistently argued that I am in this struggle because of the atmosphere in this District. It is surely against all notions of fairness in the Methodist Church to put a complainant under surveillance during a complaint inquiry.

If all of the above had come before the panel of inquiry, I feel the decision would have been quite different. It constituted a damning argument, showing that I had good reason to complain. But it was cut out and hushed up.

We now face a ridiculous situation in which a molehill of an unwarranted intervention in a circuit meeting becomes cause to address the entire system of complaints in the Methodist Church. The pernicious atmosphere I see in my Circuit appears to be spreading to a wider area.

It all began with the circuit meeting of September 2014. I was objecting to the timing of the continuance of Rev Pruden's position as acting Superintendent. There had been recent amendments to S.O. 545. Rev Westwood and I had different interpretations of the changes.

The meeting was turned into uproar by Rev Westwood's intervention during my speech. The minutes did not properly record what occurred. What is clear is that Rev Pruden was appointed without a vote – contrary to Standing Orders. There were clear breaches of Standing Orders in this.

Later concerns about what had happened at the meeting turned into a myriad of arguments – ending up with a conspiracy to destroy my reputation not only in my District, but within the Methodist Church.

It would seem that Rev Hellyer owes the Methodist Church an apology for this. Furthermore, I think that it follows that he owes me an apology. I believe that sensitive, sensible and impartial intervention earlier would have avoided the anguish that this has caused.

If it is true, as seems likely, that Rev Hellyer approved of, or even encouraged, the concerted refusal to go to reconciliation, then he should now change his views on this. Reconciliation should be

possible and the three respondents should have the opportunity to change their minds. In the light of what has gone on, I suspect they would be happy to do so.

Reconciliation is the preferred solution to disputes within the Methodist Church. It is a course that I have requested over and over again. Furthermore, this would allow this controversy to return to District level – where it should always have been settled.

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I have gone into the possible role of Rev Hellyer in some depth because he is the one person who was fully aware of the disruptive and turbulent situation that has prevailed in this Circuit for some two years. However I earnestly hope that he will now reflect on this and settle this matter at District level - as it always should have been.

I never wanted to get into the area of the problems with Standing Orders, nor in the procedural problems during the inquiry that I have highlighted. I have always wanted this to be settled at the local level and hope that it can now be returned to the District.

<u>But that can only be done if the connexional panel's decision is set aside</u>.

I believe that if reconciliation is stressed as it should be, then the matter can be consigned to history.

In the light of the above, I hope that the District Chairman will reflect on his treatment of me. After all, I first detected his animosity towards me when he, in a local leadership meeting made undertakings concerning my ministry in this Circuit. These were undertakings according to his Deputy Rev Luscombe, which he later denied having made.

In the light of the above, I now question the facts of my advised approach to the President , now past president, Rev Kenneth Howcroft. I understand that this approach was in some way interrupted, subverted or contradicted by a conversation with my District Chair – in like fashion to the above.

The President did not even acknowledge my request for his help. That I find extraordinary and not like him. I expected a reply at the very least – *but nothing came*.

Is this the third dog that did not bark? Does <u>the silence</u> of the President tell us something?

Surely no President could be so ungracious without reason to not even acknowledge my appeal for his help.

You will recall that I asked you to intervene in this matter. I asked for your help in trying to have my papers to the President returned to me. I explained, in brief, the reasons behind that request. It seems that even your request was denied.

In writing to the President, I was actually acting on advice from a senior and highly respected Minister. It was his impression that Rev Hellyer was not open to discussion and had made his mind up. It was he who advised me to contact the President – it being the only office where I could get impartial and authoritative advice.

Much good it did me – much good it did you.

At that time I was simply seeking informal advice on how to progress. The silence that both you and I experienced meant that things went on as they have.

With so many "dogs not barking" in this affair, I feel there is ample cause for good people to ask questions. The church and its members should be made aware of what has been going on.

My recent work has exposed serious and important flaws in our system. There should be an inquiry into the system's failings. Unfortunately, I have been told over and over again by seasoned Ministers that the system of complaints is distrusted by every person who has had anything to do with it.

This is not how it should be.

Should you so wish, I would be happy to draw together some of failings in the system - along with suggestions that could address the unacceptable aspects - for you to consider. Your office is surely capable of setting up a group of elders who could produce a sensible way forward.

I again suggest to you, as I have in earlier correspondence, that I come to London and spend some time with you discussing how this matter might go forward - as a useful and less obstructive way to bring good sense to dealing with issues of conflict.

But of course, there will be no progress unless the panel's decision is first set aside.

# APPENDICES

# APPENDIX A

[redacted]

The **Methodist** Church

Rev Peter Timms OBE MA
16 Manor Road
Bexhill-on-Sea
TN40 1SP

1 October 2016

Dear Peter

**CONNEXIONAL COMPLAINTS TEAM**

Thank you for your letter dated 21 September 2016 which arrived here last Wednesday.

**Date of meeting**

When we were looking for suitable dates to meet you and others, I consulted you about the proposed date and you said it was convenient. All the other arrangements we have now made have been built around your availability on that day.

As you have initiated the complaint, Standing Order 1124 (17) expects the work of the complaints team to be completed within two months of the date on which the lead member receives the documents or as soon as possible thereafter. Those who are the respondents to your complaint also have the same expectation. This also includes the three weeks given to the lead member to decide whether or not to dismiss a complaint [SO 1124 (11) applies here].

Whilst the complaints team appreciates the commitments which the parties to a complaint may have, it is important for everyone concerned that our investigations are completed as soon as possible and I am sure you will agree that this needs to be our aim. Any delay until March/April 2017 would not be acceptable and would not be conducive to a fair process.

Methodist Church House
25 Marylebone Road
London, NW1 5JR

We therefore look forward to meeting you, as arranged, at 9.30am on Tuesday 15 November 2016 at the Best Western Lansdowne Hotel, King Edward's Parade, Eastbourne, BN21 4EE. A2

**District Complaints Support Group**

As previously explained, you are entitled to the free services of members of the District Complaints Support Group who would act as your adviser and friend (but not as your representative) both during and after the complaints process.

**Bring a friend**

If you do not use someone from that Group you are entitled instead to bring a friend who can talk to you in private, giving you support and possibly reminding you of matters that you may have forgotten. Your friend's role is to support you, not to address us as a team. So you can be accompanied by someone from the Support Group OR a friend - not both.

**Representation**

You may also be represented and, if you choose to do so, you will need to pay the cost yourself as the church cannot help with this expenditure.

**Names and contact details**

If you decide to have anyone with you, please would you, **by 14 October**, provide me with their names, contact details and the role they would fulfil. If they incur costs in meeting the complaints team you will need to offer reimbursement to them as the church cannot do so. In his letter to you dated 19 September 2016 your friend, Peter Hill, says that we "wish to know the background of your friend". There is nothing in our correspondence which asks for that information.

**The complaints process**

You may also like to tell your friend that this complaints process is not the only means by which this matter could have been settled. In addition, the Standing Order 1124 (2) (b) provides the right for you to be accompanied by a friend. Their role is to support you not to address the complaints team. That function would be reserved for your representative under the same Standing Order. Whatever he has assumed about the conduct of an investigation, I can assure you that we do not need to 'attempt to make your angry'.

We have a measured, structured and prayerful approach which aims to help our understanding of the issues involved.

**Human Rights Act**

As far as the Human Rights Act is concerned, Article 6 refers to the *Right to a fair trial, the entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law and judgment shall be pronounced publicly".* The Act relates to public bodies (of which the Methodist Church is not one) and requires them (like courts, police, local authorities, hospitals and publicly funded schools) and other bodies carrying out public functions to respect and protect your human rights. The Act does not therefore apply; nevertheless the principles of Article 6 are reflected in Part 11 Standing Order 1102 (1).

**Sworn statements**

You asked for advice about sworn statements. Firstly that is a matter of choice for you, we do not require statements to be sworn. If you would let me know who you intend to approach I can advise you about whether those approaches would be considered breaches of confidentiality but in the mean time you may wish to read Standing Order 1157 (11) and (12).

**Other people**

If there are other people you think may be able to help us, **by 14 October** please would you send me their names, contact details and why we should hear from them so that we can consider contacting them for a written statement.

**Breach of confidentiality**

In my previous letter to you I said that there may already have been a breach of confidentiality in relation to these proceedings. As lead member, and performing the role of "conducting officer" in accordance with Standing Order 1157, I asked you to sign and return the written undertaking **by 27 September 2016**. You were also advised that you may wish to take legal advice before signing any document. In accordance with Standing Order 1157 (4) (i) the matter where a breach has been alleged is in relation to the invitation process of a circuit minister.

I am asking you to re-consider this matter and return the signed undertaking in the next few days.

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**In conclusion**

I hope these notes will help both you and your friend to understand the complaints process. May I remind you that the focus of our procedures is the actions that you are alleging the respondents took, not your behaviour in the matter; although the Team is entitled under Standing Orders to investigate the conduct of any other person

If you want to look at the current edition of CPD, you can find it on the connexional website by using this web address:
*http://www.methodist.org.uk/media/1841903/conf-2016-cpd-vol-2.pdf#page=483*

Yours sincerely

Chris Kitchin
Lead Member of the Connexional Complaints Team

# APPENDIX

B

Rev Peter Timms, OBE,MA
16 Manor Road
Bexhill on Sea
East Sussex
TN40 1SP

21st September 2016

Mr Chris Kitchin
Lead Member
Connexional Complaints Panel

Dear Chris,

I have now read your email and the process you are to follow. I am puzzled by your request for a signed undertaking and if you would let me have the information given to you prompting your request I will look at it with care. I found the implied threat should I decline that information could be withheld from me somewhat disquieting.

You will find enclosed details of the friend who has agreed to help and will attend any meetings with me. I have been contacted by Heather concerning Methodist support and may take that up later should it seem sensible.

I have re-looked at my work schedule for the coming weeks which involves preparing evidence to the Home Office and the Professor Alexis Jay Inquiry and as a result I now ask that the 15th November date be changed to a date in March/April 2017. This would give me the opportunity to take sworn statements from those relevant to my complaint. I would like your written confirmation that taking these statements and related activity on my part will not be considered a breach of confidentiality and your view on disclosure and admissible evidence.

It may help the panel to know that for two years I have made strenuous efforts to have this issue dealt with in an informal, reconciling and prayerful way. It is a cause of immense sadness to me and my family that this pathway has been rejected by Rev Ian Pruden. The three colleagues, Rev's Pruden, Westwood and Luscombe joint refusal made to the local complaints officer to meet with me individually or together as I had agreed sadly does not suggest an individual or joint desire to reconcile.

Others however, must better judge that and the reasons behind it. That early undertaking on my part as a way forward continues to remain open. B2.

Once you and the panel have been able to agree a new date for our meeting and confirm that I seeking sworn statements from others who were involved will not be considered a breach of confidentiality and your position on disclosure I will prepare my submission. That submission with supporting evidence for the connexional panel to consider will address all the questions that you have raised in your email.

Yours sincerely,

Rev Peter Timms OBE, MA

# APPENDIX

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

4 October 2016

Chris Kitchen,
Methodist Church House
25, Marylebone Road
LONDON
NW1 5 JR

Dear Chris,

Thank you for your letter of 1st October.

DATE OF MEETING.

During our conversation some three weeks ago regarding possible dates, I recall that you mentioned November 15th as a possible date and I mentioned that such a date was then free.

However, I do not recall agreeing to that date specifically, and I am surprised that you have gone ahead with the arrangements on the basis of that conversation. I would have expected that you would consult with the members of the inquiry, consider possible venues and availability of such – and then get back to me.

For my part, after our conversation and with this date in mind, I considered the work I would need to do to prepare for the inquiry. My considerations were such, that I determined that, should you come back to me with the offer of that date, I would need to ask for further time.

I was not, of course, offered that date by letter which was something I expected as routine. In fact your letter gives a firm, non-negotiable date. This date was set without proper consultation with me – particularly so because, at the time of our initial exploratory conversation I had not been able to consider the amount of preparatory work I would need to do for the inquiry.

You now quote standing order 1124 (17). I do not recall you mentioning any standing order regarding a deadline in our conversation.

I also recall that, as you point out, Standing Order 1124 (17) contains the phrase "or as soon as possible thereafter." This means, in plain English, that the "deadline" is open-ended.

S.O. 2114 also states that

"The steps to be taken must include at least one separate face-to-face meeting with both the complainant and the respondent, attended by at least two members of the complaints team, unless it is not reasonably practicable to hold such a meeting."

I consider that the deadline you now impose upon me makes it not reasonably practical for the face to face meeting to go ahead.

If we had had full consultation on a date for this meeting, I think that, if you had considered what has already occurred in this matter, you might well have come to the same conclusion as I.

Certainly I would have thought, if only as a matter of courtesy, that you should at least have consulted with me again after we had both worked on what we took from our initial conversation - for you must be clearly aware of the qualification in 1124 which leaves the dating open-ended.

I take it from your letter that all three members of the inquiry team can be available for that date – I was am not aware whether this is so or not.

Nevertheless, without any further conversation explaining your plans, you have actually booked rooms for the inquiry – a cost to the Church which will no doubt stand, no matter what.

On the matter of 2114, I point out that it states that you should:

"(ii) ensure that the person concerned has the documents and information necessary to enable him or her to understand the team's reasons and has sufficient time to respond in all the circumstances of the case."

I have had no assurances from you that I shall have the documents and information necessary –because you do not yet know what documents and information I require.

I would welcome you reassurance that shall obtain such documents and information as I deem necessary.

Further, your booking of the hotel room on November 15th without consultation seems to me to go against that section of 2114 which

states that you, with your powers, should take into account any response received from the person concerned in deciding whether or not to exercise the power. Booking the room was a part of the power you hold under standing orders – my response to the venue and the timing were not taken into account in your exercise of your power.

Standing order 2114 also states:

"As soon as possible after it becomes clear that the complaint is to be fully considered, the complaints team must agree what further steps are to be taken to investigate the complaint. They may subsequently agree that additional steps must be taken or that certain steps are no longer required."

I point out that I believe that additional steps should be taken. I have mentioned some of them to you and I consider that your deadline does not allow me enough time to take such steps.

I have not yet even had a chance to argue that such steps should be taken. One such step is that the proper reconciliation process should be gone through before the inquiry proceeds. That is in Standing Orders, but in this case, the reconciliation process has been stopped in its tracks by the actions of those I complain about in refusing to take part in such a reconciliation process.

THE HUMAN RIGHTS ACT.

As for your comments on the Human Rights Act, you are of course correct in stating that the Act relates to public bodies and institutions. ( though I understand that it can also apply to companies, both private and public).

However, in disassociating this case from Article 6, I am somewhat surprised to note that you refer to S.O. 1102 (11) which states:

"(11) The person concerned may within one week of receiving the written communication under clause (6) above appeal against the action of the committee to the President, and the President or the Vice-President on his or her behalf may appoint a committee to hear the appeal and advise on a reply. The reply of the President or Vice-President upon the appeal shall be final."

This S.O. merely refers to an appeal process. The basis of the President's considerations are not mentioned. My concern is in the rules for preparation for this inquiry - my right to obtain certain documents, and other such evidence, without let or hindrance. Article 6 refers of course to the entire trial process.

To not acknowledge human rights in this inquiry process is to ignore certain important matters concerning the Church. Human rights were acknowledged in the church, and promoted, long before the European Convention on Human Rights and the UK Human Rights Act.

Jesus lived and died in the context of the Jewish people's struggle for freedom under the imperial power of Rome, and in its beginning the Christian Church was a dissident, oppressed sect. His message was one of human rights.

It was only in the aftermath of World War II, that awareness of the inhumane way in which States and authorities sometimes treat individuals led to calls for the definition of a fundamental set of human rights. The key document that underpinned this process was the Universal Declaration of Human Rights in 1948. Unsurprisingly, all this was supported by the Methodist Church.

Human rights represent the way in which individuals' dignity, freedom and safety are protected from oppression by powerful states or institutions. A key feature of the definition of human rights is that they are an inseparable part of what it is to be a human being and all equally important: this is often explained by saying that human rights are universal, inalienable and indivisible. In this, they apply in all parts of society – and of course in the Methodist Church there is no thought of disassociation from Human Rights in general, nor indeed in the wording of the Human Rights Act.

Human rights can be defined as inalienable fundamental rights to which every person is entitled simply by virtue of their being human.

Although such considerations are framed in legal terms in legislation such as the Human Rights Act, such legislation resonates deeply with the Christian view that human beings are made in the image of God, all equally valuable and equally deserving of love and respect.

The Methodist Church has recently expressed a desire to see strengthened human rights protection, consistent with the teachings of the Christian faith.

Many claim that the concept of rights is strong within the scriptures. Thus, for example, in Isaiah 1:17, the prophet says:

"Seek justice, rescue the oppressed, defend the orphan, plead for the widow".

Article 6 of the Human Rights Act merely puts into words what has long been accepted by the Church. The church does not resile from those words, and therefore it follows that any judicial procedure

within the church should be conducted in a manner which is aligned with the Human Rights Act.

I am sure that you must agree with this. The principles of Article 6 should be reflected in the entire inquiry process. They should be applied not solely when an appeal is made, but should be applied throughout the entire judicial process of the inquiry.

CONFIDENTIALITY.

Your remarks on breach of confidentiality surprise me. I am not aware of having committed any breach of confidentiality. You mention S.O. 1157 – but I do not recall that particular order. The S.O. on confidentiality is surely S.O. 1104.

1104 states:

"(7) The complainant and the respondent and any person who has brought a complaint under previous Standing Orders relating to complaints and discipline or had such a complaint made against him or her must observe at all times the confidentiality of those proceedings."

I am not aware of having breached this clause and would need further clarification before I even investigate the charge against me.

Further, your suggestion that I sign a clause of confidentiality is unnecessary, since I am already governed by S.O. 1104. Your addition of a confession by me to having already breached confidentiality is inaccurate, and indeed unworthy of you. It is prejudicial to the outcome of this inquiry.

If you consider I have beached S.O. 1104, please state your charge and your evidence - and go through the proper process in accordance with Standing Orders.

Time is short, please reply to this letter by return.

Yours sincerely,

.....

Rev. Peter Timms O.B.E. tel:01424214967 mobile:07708781025
email: member@veronica32.fsnet.co.uk

# APPENDIX

D

[redacted]

The **Methodist** Church

Rev Peter Timms OBE MA
16 Manor Road
TN40 1SP

8 October 2016

Dear Peter

Thank you for your letter dated 7 October 2016.

I have explained that when we were looking for suitable dates to meet you and others, I consulted you about the proposed date and you said it was convenient. All the other arrangements we have now made have been built around your availability on that day.

This matter originally goes back to 2014 and it was in January this year that the local complaints officer became involved. In your turn you raised a formal complaint and this Connexional Complaints Team has been appointed to investigate your complaints.

Effectively you have had two years in which to prepare for such an investigation and we need to be fair to the respondents.

The complaints team appreciates the commitments which the parties to a complaint may have and it is important for everyone concerned that our investigations are completed as soon as possible. The respondents are making themselves available and we would expect you to respond accordingly.

Any further delay would be neither acceptable nor conducive to a fair process. The Team determines its own procedure and decides from whom it wishes to

Methodist Church House
25 Marylebone Road
London. NW1 5JR

D 2

hear and the completion of these investigations needs to take priority over other commitments you may have in your diary.

We therefore look forward to meeting you, as arranged, at **9.30am on Tuesday 15 November 2016** at the Best Western Lansdowne Hotel, King Edward's Parade, Eastbourne, BN21 4EE. I need to explain that if you do not attend, the Team may decide to proceed in your absence and would then be unable to consider any information which you would personally present.

By **noon on Friday 14 October 2016,** please would you:

- Confirm that you will be attending as previously arranged.
- Inform me whether you will be accompanied by a member of the District Complaints Support Group OR a friend (and their names and contact details).
- Inform me whether you will be represented (and their name and contact details).
- Advise me whether there are other people you think may be able to help us (and their names, contact details and why we should hear from them) so that we can consider contacting them for a written statement. We may also need to interview them..
- Sign and return the written undertaking previously sent to you.

Thank you for your help.

Yours sincerely

Chris Kitchin
Lead Member, Connexional Complaints Team

# APPENDIX

E

[redacted]

The **Methodist** Church

Rev Peter Timms OBE MA
16 Manor Road
Bexhill-on-Sea
TN40 1SP

8 October 2016

Dear Peter

Thank you for your letter dated 7 October 2016.

I have explained that when we were looking for suitable dates to meet you and others, I consulted you about the proposed date and you said it was convenient. All the other arrangements we have now made have been built around your availability on that day.

This matter originally goes back to 2014 and it was in January this year that the local complaints officer became involved. In your turn you raised a formal complaint and this Connexional Complaints Team has been appointed to investigate your complaints.

Effectively you have had two years in which to prepare for such an investigation and we need to be fair to the respondents.

The complaints team appreciates the commitments which the parties to a complaint may have and it is important for everyone concerned that our investigations are completed as soon as possible. The respondents are making themselves available and we would expect you to respond accordingly.

Methodist Church House
25 Marylebone Road
London. NW1 5JR

F2

Any further delay would be neither acceptable nor conducive to a fair process. The Team determines its own procedure and decides from whom it wishes to hear and the completion of these investigations needs to take priority over other commitments you may have in your diary.

We therefore look forward to meeting you, as arranged, at **9.30am on Tuesday 15 November 2016** at the Best Western Lansdowne Hotel, King Edward's Parade, Eastbourne, BN21 4EE. I need to explain that if you do not attend, the Team may decide to proceed in your absence and would then be unable to consider any information which you would personally present.

By **noon on Friday 14 October 2016,** please would you:

- Confirm that you will be attending as previously arranged.
- Inform me whether you will be accompanied by a member of the District Complaints Support Group OR a friend (and their names and contact details).
- Inform me whether you will be represented (and their name and contact details).
- Advise me whether there are other people you think may be able to help us (and their names, contact details and why we should hear from them) so that we can consider contacting them for a written statement. We may also need to interview them..
- Sign and return the written undertaking previously sent to you.

Thank you for your help.

Yours sincerely

Chris Kitchin
Lead Member, Connexional Complaints Team

# APPENDIX

F

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

11th October 2016

Dear Chris,

In reply to your letter of October 8, sent by email.

First I must address the outstanding decision, the date of the inquiry. You state that this matter goes back some two years. The delay, which I regret, has been entirely due to actions by the respondents in this matter and the actions of the Church, in particular the complaints team.

As for your proposed date, when you contacted me about it, you were canvassing various other persons in order to find a convenient date. In such circumstances a date would be settled on only after all parties to the matter had been contacted.

I understood that such had not yet occurred and that you would come back to me when you had consulted everyone. This you did not do – and time brings change to arrangements.

In addition to this I felt that your telephone call put great pressure upon me. In such circumstances there can be misunderstandings – and I fear you misunderstood my position.

I pointed out in my letter of October 4th that since your inquiry about possible dates, the Home Office has issued a consultation document that requires me to work on a response. The timing of this was not mine – it is of the Home Office. I was unaware of the timing of the Home Office consultation document when you first contacted me. I am also working on a presentation to the Jay (Savile) inquiry – and the change in the chair of that inquiry has caused me extra work which I could not anticipate when you telephoned me.

The problem therefore arises as a consequence of you not checking back with me once you knew that the other participants would be available for the November date. I repeat that I do not see how I can adequately prepare for the inquiry by November 15th. Further, if I had had time to reflect on the matter during our telephone call, I would have realised that tackling three separate grievances within this time limit would likely be impossible.

Furthermore, although Standing Orders set out specific time limits within which certain steps in the process must take place, there is the primacy of the overarching principle (Bellamy 1:14) that there is no fixed time limit for dealing with a complaint.

Delay must certainly be avoided, but I would point out that you are contributing to the delay in these matters.

It would be normal to be offered the date of November 15th by letter. There was no such offer, merely an ultimatum. I fear you misunderstood the reservations I had when we spoke in mid-September and the confusion I experienced by feeling hurried.

I also point you to Bellamy's "Complaints and discipline in the Methodist church" (1.18) where first class post or recorded delivery is mentioned. This is the procedure I had expected for all preliminary discussion of dates.

As for the conversation we had in mid-September, I do not recall you mentioning standing order 1124 (17). Nor have you mentioned in your latest letter my comment on this. As I wrote in my letter of October 4th, the standing order you mentioned contains the phrase "or as soon as possible thereafter". You do not answer my point on this and that in itself delays my consideration of the matter.

In fact, I believe that you do not have the power under Standing Orders to deliver the ultimatum that you do. I have not agreed the date of November 15th in the form in which it is required. I merely noted that, as of the middle of September, I was free on that date. We are now two weeks further on and my diary has changed.

As the correspondence stands at the moment, you have not only issued an ultimatum, but ignored several points of information I raised with you - a factor which is delaying matters. This, in my opinion, is becoming close to ignoring the principles associated with discrimination in Bellamy's "Complaints and discipline in the Methodist Church".

It is a central part of the Church's journey towards providing true equality of opportunity for all those involved in complaints and discipline, that we help each other to learn and to avoid making assumptions about people. I have requested information and clarity – you have ignored my request.

What I have recognised in the respondents' separate replies is tantamount to a discriminatory assassination of my character. If my character is to form part of your consideration, then I would like you to tell me and provide me with the opportunity to bring alternative views to your attention.

In addition to this you have not even discussed the possibility of the inquiry going on into a second day. As I understand it, you expect this matter to be concluded in Eastbourne within a few hours. As you well know, there are three separate grievances, each with different elements and with different evidence. One of these alone may well take up a morning. I cannot envisage it possible that all three might be concluded within a single day. The three grievances cannot be handled together as a single complaint.

Further, you have not answered my point in my letter of 4th October.

*"The steps to be taken must include at least one separate face-to-face meeting with both the complainant and the respondent, attended by at least two members of the complaints team, unless it is not reasonably practicable to hold such a meeting."*

This is in line with the overarching principles listed in Bellamy's "Complaints and Discipline the Methodist Church" where he writes: (Chapter One (1.1)

*"Through the complaints and discipline process members of the Methodist Church are accountable to the Church in matters of faith and behaviour. The Church seeks to enable healing and reconciliation to take place through that accountability whenever possible. The Church also responds to the call through Christ for justice, openness and honesty, and to the need for each of us to accept responsibility for our own acts."*

I have spent much of the past two years attempting to abide by this principle by seeking informal reconciliation, and by following standing order 1124. I have never been told why it is not "reasonably practical" to hold such a meeting as I have requested. I have simply been told that the individual respondents refuse to attend such a meeting. By taking such action, the individual respondents have failed to comply with the above principle and with SO 1124, and yet, as far as I know there has been no ultimatum issued to them, as has been issued to me.

Standing Order 1124 states that *"as soon as it becomes clear that the complaint is to be fully considered, the complaints team must agree what further steps are to be taken to investigate the complaint. They may subsequently agree that additional steps must be taken or that certain steps are no longer required."*

I was only made fully aware in mid-September that the complaint is worthy of being "fully considered". Although you state that this matter has been going on since 2014 and that the local complaints officer became involved in January 2016, this does not mean, as you claim,

F4

that I have effectively had two years to prepare for such an investigation of all three grievances.

I have consistently requested that face to face meetings with each of the three respondents should be arranged. Such is my duty to the church under S.O. 1124. This has been refused at every turn – yet I have persisted in trying to settle the matter without recourse to such an inquiry under the connexional system now chaired by you.

Despite my efforts in this, I now face an impossible ultimatum. If I go ahead with that date, which you seem determined upon, I will be ill-prepared and will not be able to produce much of my supporting evidence of the truth of the separate grievances. For example I shall make a request for the supposed email produced by Rev. Westwood at the Circuit meeting. It is merely one piece of evidence which I do not yet have and which is of central importance to that one particular grievance.

I believe that there is already sufficient evidence to suggest that a material procedural irregularity in the hearing procedure has taken place. I wish to avoid such a situation.

As the lead member of the Connexional Complaints Team, can you tell me if the connexional panel has attempted to bring about face to face reconciliations between the three respondents and me? After all, S.O. 1124 states that steps taken *must* include at least one separate face to face meeting.

The three respondents are members of the same church as I and are subject to S.O.1124 equally as I. One reading of S.O 1124 is that they do not have the choice of attending such a meeting or not, they *must* attend such a meeting. Surely, the implication of S.O.1124 is that reconciliation should be consistently searched for throughout the whole process.

Further I hope you will accept that it your panel's duty to comply with 7 (i) of S.O. 1124, by fully exploring whether the situation could yet be helped by some form of reconciliation.

In short, it is my duty under S.O. 1124; it is your duty; it is the duty of your two colleagues on the panel - and it is also the duty of the respondents to try to effect a reconciliation.

I particularly draw your attention to paragraph 8 of S.O. 1124. The questions emanating from the various sections of this paragraph should have been asked of the respondents. I do not think they have been so asked, nor, if they have, do I know if there was any response, either verbal or in writing.

F5

For my part, if asked, I will happily respond to the questions emanating from (8). Indeed I would go further and be ready to move to the points made in (9).

S.O. 1124 (6) also states of the two sides in the inquiry that they:

"must be each given a fair opportunity to comment on statements made or documents produced by the other."

If I were to agree to the date in November, I would not be able to comply with this section of the standing order. I do not have access to all the documents I require – for example the supposed email I mentioned earlier. Until I obtain all the documents, I cannot progress with my submission. Your letter of 8th October did not answer the point I made in my letter of 4th October. I wrote:

*"On the matter of 2114, I point out that it states that you should:*

*"(ii) ensure that the person concerned has the documents and information necessary to enable him or her to understand the team's reasons and has sufficient time to respond in all the circumstances of the case."*

*I have had no assurances from you that I shall have the documents and information necessary –because you do not yet know what documents and information I require.*

*I would welcome your reassurance that I shall obtain such documents and information as I deem necessary."*

I have received no reassurance from you on this point. As far as I am aware, you have not given the matter any consideration at all – for your proper and fair response should have been either a request for a list of such documents or information, or a blanket assurance that anything I request shall be given to me.

However, until the question of confidentiality is resolved, I find myself unable to give you any information within each individual grievance as to who I intend to approach and call or which documents I intend to produce.

In order to comply with S.O. 2114, this should all have been done and settled long before a date for the inquiry was fixed.

As one example of this, I require a copy of a document I mentioned earlier which Rev. Westwood produced at the Circuit meeting in September 2014.

F6

This is the paper which Rev. Westwood held in her hand during the meeting.

I note that in her response to my grievance dated 10th February 2016 and sent to Rev. David Chapman, Complaints officer, she made no reference to this document.

This supposed email is mentioned in my grievance about the conduct of Rev. Westwood.

I am prepared to introduce witnesses to the fact that this supposed email existed at that meeting.

Rev Westwood claimed that the supposed email was from the District Chairman Rev. John Hellyer. She further claimed that the email stated that I was to be allowed only four minutes to make a comment on the item on the agenda which I was then addressing.

I suspect that a District Chairman does not have the authority to curtail discussion in this manner.

Rev. Westwood's intervention was not described by her either as a point of order, nor as a point of information.

She then continued to act in a manner which indicated that the content of the email allowed her to intervene in the conduct of the meeting, over-riding the chair and seeking to impose a four minute limit on my contribution. This disruption of the meeting prevented me from making any positive contribution to the meeting.

The truth of what this document contained is crucial to the argument about the conduct of the meeting in question. Clearly I need a copy of it. Given your ultimatum, could I please receive a copy of it from you within a week.

Another lack of response by you to my letter of 4th October is the question of confidentiality. You mentioned S.O. 1157. I queried this, suggesting that you really meant S.O.1104.

This confusion is still not settled, so I cannot even take on the question of confidentiality, for I am unsure of the basis of your argument.

I have again looked in Standing Orders for S.O. 1157. I cannot find it. The last one I find is S.O. 1156 – it is about provisions concerning notice. This is a standing order which has some relevance here in that I believe it requires you to notify me of the inquiry date by written notice, sent by first class post or recorded delivery. Perhaps your note of this caused the confusion.

I am sure that you wrote truthfully and that S.O. 1157 exists somewhere - and that it must, in some way, be different to S.O. 1104. I accept that, as a long-serving member of the Church, my copy of standing orders may be out of date. However, you fail to enlighten me on this matter at all.

You may, of course, be referring to Part 14 - " Guidelines for good practice in confidentiality and pastoral care" and more specifically to para (10) "Church meetings." This would appear to be the closest to what you mention.

This states that "the limits of confidentiality within any church meeting need to be identified." It mentions a principle that "information is only passed on when permission is given and the person involved knows the context in which it will be shared".

With regard to the meeting in question, in September 2014, I am not aware of any such limits having been identified, though it would be normal for members of such meetings not to discuss the details of the meeting with others not involved. Surely, a similar principle applies to the invitation committee.

There is of course the problem that the minutes of any meeting do not always reflect what actually occurred. Is it a breach of confidentiality if one reveals what is not actually mentioned in the minutes, but actually occurred at any particular meeting? I need to know the answer to this question.

I am unaware of anything I have done, or propose to do, which breaches the Bellamy guideline. I must also point out that this is not actually a standing order, but a guideline concerning good practice. Please tell me if this is what you refer to as S.O.1157.

I am aware that in Bellamy's "Complaints and discipline in the Methodist church (1:17) he states

"There is a general duty of confidentiality imposed on all those involved in dealing with a complaint, including the parties themselves."

I have certainly not breached this rule in any of the three separate grievances, though I suspect that others involved in these disputes may have. Bellamy does not make it clear whether, when there are three separate grievances, the three respondents will be in breach of confidentiality *if they discuss their cases amongst themselves.* It seems to me, since each case involving me is a different grievance, that they may not undertake such discussions, yet I fear that they have done so and indeed prejudiced my case as a consequence. One

example of this possible collusion is the common refusal of all three to enter a reconciliation process.

To summarise - you claim that I breached S.O. 1157. I do not even know what it says. How then can I defend myself against your claim?

If you really demand that I attend the inquiry on November 15th, you must at least make clear what this charge of breach of confidentiality is based upon. Please quote it and, as I asked in the letter of October 4th. please tell me your source. Indeed, you might supply me with a copy by return.

I am extremely mindful of your accusation of a breach of confidentiality on my part – and this is hampering my preparation.

Much of my complaints, particularly against Rev. Westwood, concerns the events during the Hastings and Rye circuit meeting in September 2014. There were many witnesses to what occurred that evening and I wish to contact several of them to take down their recollections of the meeting. I am of the firm conviction that such statements will contradict the version of events given by Rev. Westwood.

I also believe that, since they were at the meeting, contacting them would not constitute a breach of confidentiality – and I ask that you confirm this.

Indeed, would approaching members of the church in general who are in some way involved and have a right to see the minutes of such meetings, breach confidentiality? I cannot see how – but bearing in mind the importance you attach to this matter, I now feel that I must require your acceptance that no breach would occur in such circumstances if I were to progress along those lines.

S.O. 1104 is largely concerned with record keeping and the confidentiality of such. I do not believe that it applies here, but I ask for clarification from you regarding S.O. 1157.

I am happy to affirm here that I will, of course, comply with the restrictions of S.O. 1104. This does not require my signing a clause of confidentiality.

As I understand the rules concerning my preparation of my full complaint, I may take statements from whomever I wish (with their consent). The inquiry may read or hear such statements as it thinks relevant, and may even ask such persons to attend to give evidence. Could you please confirm that this is so?

At the inquiry, I expect to be able to read to you separately a full submission concerning each individual grievance. I consider that you

may well then wish to inquire further into my evidence and other matters on each separate grievance. If your intention is in any way different to this procedure, will you please let me know.

I understand your unwillingness to change the date. However, I think that a change is inevitable - in that you yourself are hampering my preparation by not answering many of the points I have made to you, nor clarified several of the questions I have raised.

In particular, I do not consider that the complaints team has done everything it can in order to bring about a reconciliation meeting which would make this inquiry unnecessary. Too much time and money has been spent on this matter already. Reconciliation is the simple answer. The Church is made up of imperfect human beings. The complaint and discipline process is one of the means by which the Church recognises that all human beings are made in the image of God and are entitled to be treated as such, calling for justice, openness and honesty, and to the need for each of us to accept responsibility for our own acts.

Reconciliation is the only sensible answer.

I trust that you will reply to this letter at the earliest possible date. Further I trust that you will convey its contents to your two colleagues on the inquiry, who I trust will receive copies of all the exchanges. I do not wish there to be any misunderstanding concerning why there is such a problem with the November date. Not to keep them fully informed might be regarded as being prejudicial.

As per your instructions, this letter is being sent via Alan Bolton in Methodist Church House.

Yours faithfully,

Peter Timms O.B.E. M.A.

# APPENDIX

G

the response

---------- Forwarded message ----------
From: "Chris" <chris.kitchin@tiscali.co.uk>
Date: 15 Oct 2016 16:10
Subject: COMPLAINT
To: "peter timms" <petertimms107@gmail.com>
Cc:

Dear Peter

Thank you for your letters of 7 and 11 October 2016.

It was on or before 12 September 2016 that we spoke on the telephone and I then wrote to you confirming the arrangement to see you on Tuesday 15 November. This provided nine weeks notice of the agreed date.

The complaint team considers that is sufficient notice for all parties to be prepared for interview, identifying documents needed and people from whom the team might wish to hear. The team will determine how it works, what steps may be necessary to investigate a complaint and from whom it wishes to receive evidence.

You stated in your letter dated 11 October that you "expect to be able to read to you [the team] separately a full submission concerning each individual grievance". The complaints process relies on the production of written submissions by all parties. The team reads them in advance and can then focus on matters which need clarification or further details. You will be able to address the team but not to provide a repetition of what you have already submitted. This applies to all parties to the complaints. Our time together will be more of a question and answer session. It is also likely that we will indicate a time limit for any verbal statements. So the answer to your question is "no". The process is not an adversarial one as you would expect in a court of law. It is not the place for speeches. It is a gathering of evidence on which the complaints team makes a judgement based on the balance of probability.

You asked for the evidence on which I have based my decision under Standing Order 1157 to require you to provide a written undertaking. I provide that evidence here:

- That you disclosed information about the complaints process in the course of the re-invitation proceedings
- That your e-mail dated 24 August 2016 to John Troughton asked him to draw the attention of the circuit meeting to the following facts concerning Rev IP. "At present there an

Independent Investigation been conducted by Methodist Headquarters which involves considerations relevant to Rev IP integrity and honesty whilst in the role of superintendent in this

Circuit concerning me and my Ministry in this Circuit" [an exact quote from your e-mail].

If there are documents you need to support your case, then it is for you to obtain them. You have already been served with the documents provided by the other parties

At this stage in the process I think we need to concentrate on the substance of the complaints rather than continuing a debate about the relevance or otherwise of particular standing orders. If you feel at the end of the process that the team has misdirected itself, there may be grounds for you to appeal.

The complaints team is required to consider the prospect of reconciliation but this comes at the end of our investigation, not before it. After my initial assessment (see SO 1123 (5), the only alternative procedures available to the team are stated in SO 1123 (6) and do not include consideration of reconciliation at that stage. On completion of its work the team under SO 1124 (7) considers questions in the specified order. This includes reconciliation.

I think you have a misunderstanding of SO 1124 (2) (a). The requirement is for at least one separate face-to-face meeting with both the complainant and the respondent. That is the complaints team meets each separately. It is not at that point a meeting between the team and the parties all together. The last edition of the Bellamy Guide was published in 2008 and the world has moved on since then but it is the standing orders which direct the work of a complaints team.

You mention that you cannot find SO 1157. This is contained in the current edition of CPD Part 11. If you do not have the latest edition, you can view and print the relevant sections from the connexional website by using this link: http://www.methodist.org.uk/ministers-and-office-holders/cpd. In my letter dated 12 September 2016 in the section headed *Choices facing the Complaints Team* I referred then to where you could find an up-to-date copy of CPD.

You asked whether your conduct is under investigation. I cannot answer that question until we have heard from others.

However, if you think (as you infer in your letter dated 11 October, page four, "there is already sufficient evidence to suggest that a material procedural irregularity in the hearing procedure has taken place" please provide the necessary evidence related to standing orders and I will have the matter reviewed.

It is helpful if we can communicate by e-mail as I need to forward copies of all you send to me to the other team members. Please would you therefore send me the electronic copies of your letters dated 7 and 11 October 2016.

In the mean time, may I suggest that you take the following action by **Friday next 21 October 2016**:

- Send me the electronic copies of your letters dated 7 and 11 October 2016;
- Confirm that you will attend on Tuesday 15 November 2016;

- Sign and return the written undertaking;
- Inform me whether you intent to be accompanied by someone from the District Complaints Support Group or a friend (and, if so, their name and contact details); ;
- Inform me whether you intend to be represented (and, if so, their name and contact details);
- Decide whether there are people you wish the team to hear from (and, if so, their names and contact details)
- Provide a succinct summary (no more than two A4 pages) of the points you wish to make.

The team then has other work it needs to undertake which takes into account your responses to these questions.

Yours sincerely

Chris

Chris Kitchin
01707 332 470 | 07778 751 381

# APPENDIX

A

102016
Thank you for your email of 17th October. I note your request for all communication to be by email.

Your reply is most disappointing in that it does not answer the questions that would enable me to –prepare the detailed supported information for the panel. Your additional time deadline just adds to the difficulty.

I have appealed to the panel several times asking for a revised date for our meeting, believing that reaching truth fairness and simple justice seemed to be far more important than holding to a timetable. However, you make clear that you hold the authority and the discretion and have no mind whatever to help my position.

Your continuing threat to withhold information from me unless I sign what is tantamount to a confession document is most unworthy, though quite revealing. And to dismiss the over-arching Bellamy recommendation that reconciliation should at all times in the porcess be looked for is difficult to comprehend. The website you quote, when checked, was found to be not operating.

I cannot deal with your questions in the away you demand unless I am first provided by you with the answers to the questions that I have already raised.

Further, I need confirmation that if I take action to support, with external evidence, the three separate complaints originally presented by me as *grievances*, that such action will not be used by you, and by my two ministerial colleagues on the panel, to carry out your original threat not only to withhold information from me, but also that it would break the confidentiality rule.

I must tell you that one item of documentary evidence provided to you about me by one, if not more than one, of the respondents, has done just that. And up to now, I have not complained or raised this question.

This does not take account that the three respondents will have no doubt discussed the matter between themselves.

I have already sent to you details of Mr. Peter Hill who, as a friend, will attend the hearing with me. Further, I must add that I do not take kindly to your instruction about leaving the hotel promptly.

Your reply makes it quite clear that my character, rather than my actions, will be under discussion. I consider this to be prejudicial even at this early stage of the inquiry.

If you provide me with the information I have requested, or will request, and further that you respond to my several questions that are yet unanswered, I will then be able to provide the panel with alternative views.

With reference to Mr. Troughton, who is now the Circuit senior steward, has been been aware of the current issues since 2014, He was the man who, in the September 2014 circuit meeting, threatened violence against my person and moved from his seat

to give substance to that threat. The District Chairman, Rev John Hellyer, is the only person who could have provided you with the information regarding the discussions at the invitation committee. Naturally, I want to see copies of all the exchanges that have taken place between you and the District Chairman.

As a matter of fact, and the District Chairman must be aware of this, the question that I put to Mr. Troughton was not raised at the invitation committee meeting nor was it raised at the circuit meeting that followed.

All of this contributes very little towards reconciliation and is of doubtful purpose. Although you and my two ministerial colleagues on the panel, under your leadership, are making my task of providing external evidence in support of my grievances, very difficult, I will seek to provide, under your restrictions, what is the substance of the grievances. It will of necessity, however, be hurried and incomplete and for that reason, if for no other, will be unsatisfactory and not in keeping with the Church's search for Truth and Reconciliation. .

If the panel so chooses, you can still help this matter by agreeing to a change of date, by answering the questions that I have raised with you, and by withdrawing the threats and artificial deadlines. They serve little purpose and are not positive, as I still continue to seek reconciliation , truth and fairness.

# APPENDIX

I

20 October 2016

Dear Chris,

Thank you for your email of 17th October. I note your request for all communication to be by email.

First, I would make some general comments on your letter.

Your reply is most disappointing in that it does not answer the questions that would enable me to prepare the detailed evidence in support information for the panel. Your additional time deadline adds to the difficulty.

I have appealed to you as chair person and my ministerial colleagues on the panel several times asking for a revised date for our meeting, believing that reaching truth, fairness and simple justice seemed to be far more important than holding to a timetable. However, you, on behalf of the panel, have made clear that you hold the authority and the discretion and have no mind whatsoever to help my position.

Your continuing threat to withhold information from me, unless I sign what is tantamount to a confession document, is most unworthy, though quite revealing. And to dismiss the over-arching Bellamy principle that reconciliation should at all times in the process be looked for is difficult to comprehend. The website you quote, when checked, was found to be not operating.

I cannot deal with your questions in the way you demand unless I am first provided by you with the answers to the questions that I have already raised.

Further, I need confirmation that if I take action to support, with external evidence, the three separate complaints originally presented by me as *grievances*, that such action will not be used by you, and by my two ministerial colleagues on the panel, to carry out your original threat not only to withhold information from me, but also to determine that it would break the confidentiality rule.

I must tell you that one item of documentary evidence provided to you about me by one, if not more than one, of the respondents, has done just that. And up to now, I have not complained or raised this question.

This does not take account of the fact that the three respondents will have, no doubt, discussed the matter between themselves.

I have already sent to you details of Mr. Peter Hill who, as a friend, will attend the hearing with me. Further, I must add that I do not take kindly to your instruction about leaving the hotel promptly.

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If you provide me with the information I have requested, or will request, I will then be able to provide the panel with alternative views.

With reference to Mr. Troughton, who is now the Circuit Senior Steward, he has been been aware of the current issues since 2014, He was the man who, in the September 2014 circuit meeting, threatened violence against my person and moved from his seat to give substance to that threat. The District Chairman, Rev John Hellyer, is the only person who could have provided you with the information regarding the discussions at the invitation committee. Naturally, I want to see copies of all the exchanges that have taken place between you and the District Chairman.

As a matter of fact, and the District Chairman must be aware of this, the question that I put to Mr. Troughton was not raised at the invitation committee meeting nor was it raised at the circuit meeting that followed.

All of this contributes very little towards reconciliation and is of doubtful purpose. Although you and my two ministerial colleagues on the panel under your leadership, are making the task of providing external evidence in support of my grievances very difficult, I will seek to provide, under your restrictions, what is the substance of the grievances. It will of necessity, however, be hurried and incomplete and for that reason, if for no other, will be unsatisfactory and not in keeping with the Church's search for Truth and Reconciliation.

If the panel so chooses, you can still help this matter by agreeing to a change of date, by answering the questions that I have raised with you, and by withdrawing the threats and artificial deadlines. They serve little purpose and are not positive, as I still continue to seek reconciliation , truth and fairness.

I will now address the points in your letter in more detail.

In paragraph two, you write:

*"It was on or before 12 September 2016 that we spoke on the telephone and I then wrote to you confirming the arrangement to see you on Tuesday 15 November. This provided nine weeks notice of the agreed date.*

Could you please elucidate this question further – when exactly was Standing Order 1157 introduced – and, if it was after September 16th 2014 , why do you continue to use it in your letters?

In your paragraph 5 you write:

*"that you disclosed information about the complaints process in the course of the re-invitation proceedings"*

This is a little unclear, however, I shall attempt to respond as best I can.

The complaints process is written both in Bellamy and in the standing orders. All members of the Methodist Church have access to these – indeed, through the Church's website, members of the public normally have access to them.

You quote an email which you say I wrote to John Troughton in 2016, asking him to draw the attention of the invitation committee to certain facts about Rev Pruden, with the quote:

*"At present there is an independent investigation being conducted by Methodist Headquarters which involves considerations relevant to Rev Pruden's integrity and honesty while in the role of superintendent in this circuit, concerning me and my Ministry in this Circuit."*

I did not receive a reply to this email, nor, as I understand it, was the question raised at the invitation committee.

However, matters which require confidentiality may be introduced to the invitation committee through the proper channel – which was Mr. Troughton, the Senior Circuit Steward – and they can then remain confidential within the invitation committee.

Whoever brought this email to light is the person who breached the confidentiality of it.

As for the content of the email and its relevance to confidentiality:

First, do you deny that there was an investigation which involved considerations relevant to Rev. Pruden at that point in 2016?

Second, do you deny that John Troughton has a right, and indeed a duty as Senior Circuit Steward, to raise a point of information at the invitation committee in question with reference to this investigation?

Third, do you consider it wise to have kept the Circuit ignorant of the background while extending the appointment of Rev Pruden as Superintendent Minister for a further five years?

Do you not think that the invitation committee was unwise not to even consider this matter themselves and present a report on this to the Circuit meeting?

For my part, even though I may eventually accept that Rev. Pruden was completely innocent of impropriety, once all the facts are known, Most people might consider it unwise for the Circuit to proceed with such matters when investigations, such as are ongoing in this case, are still proceeding.

Is it a breach of confidentiality to raise, within the Church, such a question - which may impinge on the integrity of the Church?

You may note however, that I did not rush precipitately into this argument. The proper channel for this was John Troughton. I asked him to make the query in the hope the Rev Pruden might attempt to reassure me and seek reconciliation even at this stage. I also hoped that the animosity I had already felt from the Reverends Luscombe, Pruden and others, would not steer the Church from the proper course in this matter. It is not wise to allow personal feelings to subvert the proper workings of the Church towards reconciliation.

Your reading of S.O. 1124 (2)(a) differs from mine. I quoted Bellamy's "Complaints and discipline in the Methodist church":

*"Through the complaints and discipline process members of the Methodist Church are accountable to the Church in matters of faith and behaviour. The Church seeks to enable healing and reconciliation to take place through that accountability whenever possible. The Church also responds to the call through Christ for justice, openness and honesty, and to the need for each of us to accept responsibility for our own acts."*

Please note the words in the above:

*"whenever possible"*

As I mentioned earlier, I am sad and somewhat bewildered, when you state that "Bellamy was published in 2008 and the world has moved on since then."

Bellamy was written so that the Church could take account of the fact that the world moves on and Standing Orders may need to be changed. Bellamy contains the principles by which the Standing Orders should be interpreted.

The Bellamy principle about dealing with complaints and discipline in the Methodist Church is one of the "over-arching principles" against which the meaning of all relevant Standing Orders must be judged and interpreted.

"Over-arching" means exactly what it says. It stands above the Standing Orders.

As you know, I have not read S.O. 1157. However, knowing the manner in which the Church works and how it considers its integrity so highly, I cannot believe that any such Standing Order negates the weight of Bellamy's over-arching principle. I believe that the Church seeks to enable healing and reconciliation to take place ***whenever possible***. I do not accept that attempts at reconciliation must await the outcome of your inquiry.

To attempt a reconciliation is my duty to the church under S.O. 1124. It is also yours. I am sure that both of my ministerial colleagues on your panel will accept this.

Your next point ( para 14) is that I asked whether my conduct is under investigation.

I am a little bemused by this statement, for I do not recall asking this question. I am very concerned about the *conduct of others* at the circuit meeting in question. And, as a corollary, I would expect that my own conduct at that meeting may be called into question.

However, I suspect that your response is to my remark in my letter of 11th October:

*"What I have recognised in the respondents' separate replies is tantamount to a discriminatory assassination of my character. If my character is to form part of your consideration, then I would like you to tell me and provide me with the opportunity to bring alternative views to your attention."*

I am concerned if there is to be an attack on my character – and I would wish to invite you to call witnesses in my defence. I consider myself to be a man of honour and integrity, with a love of God and an allegiance to the Methodist Church. If someone is to say otherwise during this inquiry, I wish to know if the inquiry will listen to such evidence. I consider it to be inadmissible and prejudicial.

As for conduct, I consider my conduct throughout to have been honourable and in line with Church policies and principles. I recognise that all human beings are made in the image of God and are

entitled to be treated as such. I try my best to act accordingly. I urge you to consider the actions of all of those in this matter in this light.

You refer to my suggestion about a material procedural irregularity. I shall deal with that matter, should it arise, at the appropriate time.

You wish me to communicate by email. I take it that you no longer wish me therefore, to communicate with you through Rev. Alan Bolton – a line of communication we both thought to be the proper one.

There remain some matters not covered by your letter. Throughout my letter of October 11th, I mentioned that I considered that there are three separate grievances. You have not denied this in any way, but the general tone of your letter suggests – perhaps in the comment "the production of written submissions by all parties" - that you plan to treat all three grievances as one.

I humbly point out that the three grievances are quite separate and must be treated as such. One concerns events at a particular meeting, the other two concern persons not at that meeting and other matters.

I have also expressed doubt about covering even one of the grievances in one session of the inquiry. I suggest – and urge again - that it would be wise to postpone the inquiry, until this aspect is clarified. Until I know the answer to this query, I cannot proceed.

This is of particular significance, in that I believe that the three persons mentioned in the three grievances have already discussed the matter with each other.

In my letter of 11th October, I pointed out that in Bellamy's "Complaints and discipline in the Methodist church (1:17) he states

*"There is a general duty of confidentiality imposed on all those involved in dealing with a complaint, including the parties themselves."*

If there are to be three separate inquiries into three separate grievances, then I think such discussions, as I believe have taken place, would not only be breaches of confidentiality, but furthermore, prejudicial to my grievances.

You have made no comment on this. I wonder if you appreciate the importance of the point.

As for your requirement that I sign a clause of confidentiality which includes a confession that I have breached confidentiality, I fear that I would never sign such a document and I believe it not to be within the spirit of the Church and Ministerial understanding, that such a demand, as you make, should be made.

I note in your letter of 15th October that you no longer claim that I disclosed "confidential" information, but merely that I disclosed "information". Why then do you continue with this demand about confidentiality? I stand by my responsibilities for retaining confidence as in Standing Orders.

It must be becoming clear to you that the date of November 15th is far too soon for these inquiries to be conducted properly. Letters and emails between us do not appear to be resolving the outstanding matters at all. Might it be best if we meet, perhaps over a lunch in London, and discuss the various aspects of the procedures that we find difficult? I would be happy to arrange such a meeting, so that I might better understand your position.

It is in the interests of the Methodist Church and the work of God in this area that I pursue these grievances. I believe that there is a stain on the reputation of the Church which must be removed. My position is that, if we are to effectively remove that stain, then all the relevant evidence must be disclosed. This may take time, but finality is required and if it takes time to achieve that, then so be it.

If we are to act properly, we must consider the case, the whole case – and nothing but the case.

My hope is that you and my colleagues on the panel will take the opportunity of this inquiry to remove the stain on the reputation of the Methodist Church in this Circuit.

- Rev. Peter Timms O.B.E M.A.

# APPENDIX

K

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

3rd November 2016

Chris Kitchin
Connexional Complaints Team
The Methodist Church House
25, Marylebone Road
LONDON NW 1 5 JR

Dear Chris

Thank you for your email acknowledgement of the kind letter written to you by my friend Peter Hill, reporting the hospital emergency that I had after my G.P examined me.

The hospital is arranging additional tests which that I understand will include the 24 hour monitoring of my heart function and then a "heart echo" test. This will be carried out at the Conquest hospital. No day or time has yet been given to me for these tests.

You will understand that this has added to the difficulties in my properly preparing for the Connexional panel's consideration of my grievance – made into a complaint, by necessity, of Methodist Standing orders.

In addition to this set back, I await your response to the questions raised in our recent exchanges to enable me to properly present a complete and supportable account of the three separate complaints against Revs Pruden, Luscombe and Westwood.

I have kept November 15th free in my diary, and whilst I will do my very best to be present, I will not for all the reasons given above be in a position to properly enter into the panel's deliberations.

Yours faithfully,

Rev. Peter Timms.

# APPENDIX

L

110516
Dear Chris,

In reply to your emails dated 4th November and 8th November, this email is sent on behalf of the Rev Peter Timms and the text has been dictated by him. Unfortunately, my short-term illness has meant that replying to your emails has taken longer than I would like. As it happens, I had been preparing something prior to my hospitalisation.

I am surprised that you persist with your decision that the inquiry will go ahead by interviewing other persons. I can imagine whom these other persons might be.

I consider this prejudicial. I think you put the outcome of the three grievances in severe jeopardy by doing so. I am surprised that you feel that you can continue with the inquiry without first hearing from me. If I do not attend to lay out my grievances to you and explore my points, you cannot properly question those other persons.

Do you plan to transcribe their evidence? Would I get a copy? They may have changed their evidence in some fashion in the run-up to the inquiry. I would not be surprised if hindsight and mature reflection have not mellowed their views of the various situations involved.

I note that you mention that there are factors other than my illness in your decision. This is your first acknowledgement of those factors as being pertinent.

I am grateful for your fuller version of how the inquiry is to proceed, however, you have yet to answer several basic points which I have already raised with you several times in the past.

CONFIDENTIALITY.

I note that you once again warn me from communicating with others in the Methodist Church about this matter.

You have asked me to sign a confession which states that I have already breached confidentiality

In my letter of 4th October I stated:

*"Further, your suggestion that I sign a clause of confidentiality is unnecessary, since I am already governed by S.O. 1104. Your addition of a confession by me to having already breached confidentiality is inaccurate, and indeed unworthy of you. It is prejudicial to the outcome of this inquiry.*

*If you consider I have breached S.O. 1104, please state your charge and your evidence - and go through the proper process in accordance with Standing Orders."* L2

You have ignored all my requests for clarification of the question of confidentiality. I can only assume that you have already reached a judgement on that matter *and that you believe I have actually breached confidentiality.* I note that you do not wish to hear anything from me on the matter.

If this is so – and I cannot imagine that it is – it is seriously prejudicial to the inquiry that you are undertaking. If you really hold this view without clarifying it and hearing evidence from me, you should recuse yourself.

Of particular concern to me is that I wish to call a minimum of five witnesses to support my grievances. You state in your letter of 4th November:

*"Advise me whether there are other people you think may be able to help us (and their names, contact details and why we should hear from them) so that we can consider contacting them for a written statement. We may also need to interview them."*

Your pronouncements on confidentiality have so far inhibited me from approaching any of the witnesses I have in mind. Further I have some fears concerning the fact that you would consider approaching my witnesses in advance of the inquiry and take a written statement from each. This sounds very much like pressurising potential witnesses.

What I had in mind was to make an initial approach to the persons involved, then take written statements which I would present to the inquiry. The persons involved could then be available for interview in a position of being cross-examined on their statements. That is the normal manner of doing things in British justice and I feel it is right for the Methodist Church as well.

Simply giving you a list of names defeats the objective – which is to establish facts. Such statements depend on the questions put. Simply having a view of "why we should hear from them" is not enough. What would be your questions if you are unaware of the detail of why I wish to call them? I could, of course, supply you with a list of questions, but the truth often emerges in follow-up questions, after initial answers. And would there be any point in having them at the inquiry – if you have already done all the questioning you think necessary? Surely your role is to assess evidence, not collect it.

Since I have been unable to approach anyone due to your reluctance to clarify the matter of confidentiality, I do not know what people

remember of certain incidents. I can only rely on witnesses with memories good enough to support the facts of [illegible] before I compile the list. Demand a list now and I will give you some fifty names.

We had discussion earlier about how the Human Rights Act has relevance to the proceedings of the Methodist Church and I thought that you had accepted my general point on this.

The system you seem to be proposing is an inquisitorial system, which I think is contrary to the letter and spirit of the relevant clauses in Bellamy Chapter 1 1.19:

*(1) All those engaged in the complaints and discipline procedures should at all times have regard to the general principle that anyone against whom a complaint or charge is being pursued has the right:*

*(a) to have adequate opportunity of responding to that complaint, meeting any charge and dealing with the evidence against them;*
*(b) to be treated fairly by any complaints team dealing with the complaint; and*
*(c) to receive a fair hearing from any church court which is to decide whether any charge is established.*

*And (2)*

*These principles may loosely be referred to as rules of 'natural justice'. Standing Orders seek to ensure that natural justice is at the heart of the procedures on complaints and discipline.*
*Even when Standing Orders do not state explicitly that the principles of natural justice apply it is nonetheless to be inferred that they do. The rules of natural justice apply equally to respondents and complainants."*

This applies to both sides in any dispute.

Your position of going ahead with the inquiry without the person issuing the grievance being present, or in this case my not having the opportunity to address their responses, clearly goes against this principle of natural justice. Perhaps I should seek a more authoritative view of the importance of Bellamy.

My main problem is that you have consistently ignored major questions I have put to you. These are factors which have led to the delay currently being experienced.

ONE GRIEVANCE OR THREE?

L4

I have asked several times whether you consider this matter to be one grievance or three,

Your insistence in your email of Nov. 8th suggests that you are going ahead treating this as one grievance. You have not made this matter clear to me – and I continue to insist that it is three separate grievances.

One simple question arises, which you must appreciate. You request a copy of my statement of grievance. Do I prepare one such statement – or three? If I arrive at the inquiry with three – will you refuse to read two of them? If I propose witnesses for three separate grievances – will you only hear from those concerned with one?

The three grievances were submitted separately, they are against three different persons with different positions in the Church.

One is a grievance concerning the conduct of a minister at a Circuit meeting and subsequent breach of Standing Orders.

Another concerns an allegation against a different minister on the grounds of there being a questionable exercise of authority and a failure in duty of care in another matter.

The third concerns a difference in interpretation of Standing Orders between myself and yet another minister – and further concerns the proper running of the Circuit and the overall role of its ministers.

For my part I consider there to be three separate grievances, each with its different arguments and facts.

To mix the three up in one is, in my view, prejudicial and contrary to natural justice.

One view – not my own – might be that, by examining the three ministers in one case, they themselves might be accused of conspiracy. That would be unfortunate – and unfair.

You appear to intend going ahead as if it is one grievance – and I understand this in one sense - in that, in reality there should be three different panels of inquiry – one for each grievance.

I trust your integrity enough not to complain about that. However, I require clarity – and if I do not get it, I fear I must inquire to a higher authority on this question. Your January deadline would then not seem distant enough.

On the subject of January, your imposition of time limits has also been without consultation. Three separate inquiries will inevitably take longer than one inquiry on which three separate issues are judged together. You should reconsider this.

I should alert you to the fact that my initial outline grievance against Rev. Luscombe, which deals with his responses, is currently at 24 pages. Even if you have read this, an oral contribution going through why he mis-read Standing Orders will take much longer than the ten minutes that you appear to allocate to my going over all three grievances.

Do you plan to not hear me on my points concerning Rev Luscombe?

A further element of confusion – which is confined solely to one of the grievances - is the question of the email flourished at the Circuit meeting of September 2014.

I still await your response on my request about this supposed email that Rev Westwood introduced into the Circuit meeting of September 2014.

In my letter of 20th October I went into this in detail.

I could seek a copy of this document, but, particularly considering your strictures on confidentiality, I have requested that you obtain it so that there can be no allegations of any illegality. However, you have ignored these requests. I wish to rely on best evidence rather than hearsay. Please tell me that you hold to that view too.

You will recall that I mentioned this email to you more than a month ago. It is mentioned in my initial outline grievance. It is not mentioned in the minutes of the meeting in question. You have never replied to my queries concerning it.

I write again that I require a copy of a document Rev. Westwood produced at the Circuit meeting in September 2014.

This is the paper which Rev. Westwood held in her hand during the meeting.

I note that in her response to my grievance dated 10th February 2016 and sent to Rev. David Chapman, Complaints Officer, she made no reference to this document.

This supposed email is mentioned in my grievance about the conduct of Rev. Westwood. Failure to discover the truth of this will lead inevitably to serious delay in dealing with the grievance against Rev. Westwood.

L6

I am prepared to introduce witnesses to the fact that this supposed email existed at that meeting. These witnesses may take up a lot of time.

Rev Westwood claimed that the supposed email was from the District Chairman Rev. John Hellyer. She further claimed that the email stated that I was to be allowed only four minutes to make a comment on the item on the agenda which I was then seeking to address.

There are several points to make about this supposed email – but one, a very serious one – is that I suspect that a District Chairman does not have the authority to curtail discussion at a Circuit meeting in this manner.

This email points to a serious breach of Standing Orders. If it is not produced and the truth of it not known, you may need to postpone proceedings and take evidence on it from Rev Hellyer. I presume he has not deleted his original email.

May I now please have a copy of this email? If Rev. Westwood is correct, it underpins the entire structure of responsibility for the circuit meeting in question. It is a basic document. Further, let me clarify the ownership of this email. It is a document that belongs to the Methodist Church – not to Rev. Westwood personally. She has no right to withhold a copy of it from me – and certainly not from you.

Further, if you feel that you cannot supply me with a copy of this email, do I have your permission to request a copy from Rev Westwood?

This is an important piece of factual evidence concerning my grievance against Rev Westwood. You simply ignore the matter.

Significantly to this inquiry and my view on the question of the number of grievances involved, the email does *not* have evidential value in my grievances against Rev Luscombe and Rev Pruden.

When I receive no reply from you on such issues, I must speculate why you ignore my points. Am I already judged guilty and branded a liar because of my supposed breach of confidentiality?

In the matter of the email, is it that you consider that you alone should see the email? Do you suggest that I have no right to see its content? If so, why not? Is it perhaps that it supports my case and undermines Rev Westwood's position?

For my part, I presume Rev Westwood was telling the truth and that Rev Hellyer actually told her to intervene at the meeting – to shut me

up. However, I may be wrong. It would not have been a wise thing for Rev Hellyer to do.



Whatever the truth, as the leader of this inquiry, you should be more than interested in this email – yet you ignore everything I write to you about it. How can I possibly prepare a statement for your inquiry within your time limits when you block me in this fashion?

Length Of Time.

Your failure to give me straight answers concerning the above questions leads me, as I mention above, to another troubling problem. How much time have you allocated to the proceedings of this inquiry?

From what I read, and hear, you appear to be hoping to wrap it up in a couple of hours in one morning. If true, this is done without any inquiry of my views on my statements and evidence.

As I have mentioned, I hope to bring something like five witnesses to the inquiries. Two would be concerned with one of the grievances, three with another.

There is also the question of the length of the three submissions. You yourself may discover during the proceedings that you will need to retire and order a pause in the inquiry whilst further evidence is sought.

I recalled in my letter of 20th October that you wrote about :

*the "succinct summary" ( no more than two A4 pages) of the points you wish to make."*

You make no comment on what I wrote about this. I should now inform you that my analysis of Rev. Luscombe's actions, which are the subject of *one* of my grievances, is currently standing at 24 a4 pages. Even if you read this in advance, any precis of it by me will clearly go beyond your limit of two A4 pages. And that is only one of the grievances - albeit the longest.

You may require "succinct", but I require justice.

You mention in your email dated 4th November that "The team has decided to go ahead"... I asked you in my letter of 20th October

*"Could you please confirm to me that the other two members of the complaints team, my ministerial colleagues, have received copies of all the letters that I have sent you?"*

Do I understand your further strictures about not contacting other persons to be prompted by this? If so, you may be assured that I have no intention of approaching your two colleagues on the inquiry. No matter the difficulties, I am attempting to deal solely with you. L8

However, I would be reassured of the fairness of your approach if I were made aware that all three of you are in accord. In particular I wonder if your colleagues know of your policy of not replying to my questions on matters such as confidentiality, witnesses, factual evidence etc? Or are the other members of the panel in ignorance of my objections? Do they know, for example, that I alerted you two months in advance that I would not be ready for November 15th? And that this view was prompted by your own strictures on the evidence and lack of clarification on several matters?

You further make no answer to my comments on Standing Orders (which you appear to have applied retrospectively) or Bellamy which you dismissed as being out of date. These are basic building blocks for any conflict within the Methodist Church.

Do you hold to your view that Standing Order 1157 is relevant and is central to your arguments in the previous two letters?

As it stands, I still have no idea what S.O. 1157 is - yet, even though I suggested it, you do not send me a copy. Why not?

Do you really expect to apply it retrospectively? If so, I need time to prepare argument.

Further, do you still hold to the opinion that Bellamy's overarching principles are not relevant? You wrote in your letter of 17th October:

*"Bellamy was published in 2008 and the world has moved on since then."*

It is important to know whether you actually hold that opinion, for the section I quoted above about "natural justice" is from Bellamy.

Once again, I may need extra time to prepare argument, should you continue to hold to this view.

I really must be clear on this, and so state that unless you give me a reference in any Methodist Church publication which rules Bellamy out as a source of principle regarding complaints in the Methodist Church, I shall stand by the use of his work. I shall continue quoting him and issue a protest if you reject my use of it.

These matters must reach finality. However, they will not do so if you continue with your policy of going ahead without consideration of the

justice involved in the process. I understand that it is difficult to be both judge and jury – but you appear to be wishing to be all that and inquisitor too – choosing which evidence I might bring to support my grievances.

Frankly, your treatment of me in not answering my questions on confidentiality and whether we are dealing with three separate grievances, is little short of bullying. This is not your role.

Your failure to respond to my requests on detail have led to a complicated situation which made the proceedings you anticipated on November 15th impossible – regardless of my illness. I feel reassured that you agree that there are other factors involved in the postponement other than my illness.

I urge you not to interview the other persons whom you mention – I can only advise that you will no doubt feel the need to recall them to the later inquiries, when they take place. Their evidence may consequently become quite complicated.

As it happens, my illness, being short term, has allowed you time to reconsider the points to which you have so far failed to respond. I hope that you will take seriously the point I make about interviewing persons in advance of my presentation of my detailed grievances which deal with the responses from the three respondents. The postponement gives you good reason to avoid such faulty procedure.

Since you fail to answer so many points I make, our correspondence is now becoming extremely – and unnecessarily – lengthy. Writing letters like this seems to get us nowhere. Perhaps we should meet? If you think such a meeting might be prejudicial, perhaps, since I am currently recuperating, an informal meeting of third party friends might be arranged?

I admit that in one aspect my three grievances have one common thread – I stand ready to uphold the highest traditions and values of the Methodist Church in all matters. I hope that you will do that too. I also advocate reconciliation at every step. I stand by Bellamy:

*"Through the complaints and discipline process members of the Methodist Church are accountable to the Church in matters of faith and behaviour. The Church seeks to enable healing and reconciliation to take place through that accountability whenever possible. The Church also responds to the call through Christ for justice, openness and honesty, and to the need for each of us to accept responsibility for our own acts."*

I trust you will agree with me on that. I continue to offer to participate in the reconciliation process. It is a continuing cause for sadness that

my many requests for meetings towards reconciliation continue to be ignored. L10

# APPENDIX

M

# APPENDIX

112716

Dear Chris,

In reply to your letter of 24th November which had a series of questions at the end.

I find it difficult to answer the questions because I do not know to which of my three complaints they refer. My answers will depend on the context. As I have repeatedly said, there are three separate grievances.

If you let me know of this, I shall do my best to answer.

If you continue to act as if the three are one, please quote the Standing Order which allows this. Your remark that there shall be only one report at the end of the inquiry is not encouraging. It seems to me that you are turning my complaints round as an accusation against me. I remind you that the complaints are against Revs Westwood, Pruden and Luscombe, not against me. That is what you are to judge.

Further, however, from the information contained in the questions, it seems to me that you have statements from one – or more – of the three respondents. I think that I have a right to see copies of those statements. Please let me have copies as soon as you can.

I note that you have a secret dossier of papers which I am not being allowed to see. I trust the same applies to the three respondents.

I note also that you ask which Standing Order I accused Phillip Luscombe of breaking. (last question) I cannot find this accusation in my grievance, could you help me with your source?

I must tell you that December 12th has long been the day for the Annual General Meeting of the Loudoun Trust – of which I am the chairman. This starts at 10:30 in the morning in Central London and goes on until 3:00 in the afternoon. I then have an appointment at the Childrens' Commission. Baroness Walmsley has been invited to address the Loudoun Meeting – and I am to welcome her and introduce her.

It would have been better if you had stuck to our original agreement of a date in January. I am still open to consultation on that.

I trust that you have now received my further detail on my complaint against Rev Westwood. I would appreciate an acknowledgement of receipt. You should have had it in your hands a week ago. I hope it has not been lost. I shall take greater precautions in delivering my further detail on my complaint against Rev Pruden.

Unfortunately, I have found it impossible to meet your demand that my further detailed complaints should be on two sheets of A4.

Yours truly,
Peter

# APPENDIX

110416
Dear Peter

Many thanks for your message and hope you are feeling more settled at home.

The team has decided to go ahead with the other interviews as planned and hope you will be fit enough to join us.

We totally understand that your medical tests should take priority and you will need to accept appointments offered.

In fairness also to the respondents we need to proceed at a reasonable speed but you are probably the only person who can decide whether you are fit enough to attend.

With my letter to you dated 12 September 2016 I explained the Team's procedure which may include some or all of the following:

- considering written statements from the parties and any witnesses or any other person who appears able to help us.
- giving you an opportunity to explain your version of events.
- inviting further information in order to obtain a complete picture from you.
- explaining that you may wish to obtain legal advice before signing a statement or producing documents.
- orally summarising the key points identified.
- explaining what happens next in the complaints process.
- making a note of the meeting with you and with others. These notes will be confidential to the Team.
- preparing a report and submitting it to the Secretary of the Conference.

At the beginning of an interview it is our normal practice for the lead member to summarise the Team's understanding of the complaints and any key points which have emerged during our
preparations. This approach means that we can focus on the key issues and seek evidence to corroborate what has been the subject of a complaint.

We then invite whichever party we are interviewing to present their version in a way that does not repeat what is already in the complaint papers. Time is of the essence so we need to gather information which bears directly on the complaint. We have

set aside about two hours for our time with you and each member of the team will be asking questions.

My suggestion is that we allocate 10 minutes for you to present your complaints and up to 5 minutes at the end for you to summarise your position. From experience this is a fair amount of time for the Team to undertake its work.

At the end of the interview, the lead member will summarise the next steps in the complaints process.

If you have suggested other people to hear from, then we need to decide whether to interview them or accept from them a written statement.

We therefore look forward to meeting you, as arranged, at **9.30am on Tuesday 15 November 2016** at the Best Western Lansdowne Hotel, King Edward's Parade, Eastbourne, BN21 4EE.

There is much more work the team need to do so by **5.00pm today,** please would you:

- Inform me whether you will be accompanied by a member of the District Complaints Support Group OR a friend (and their names and contact details)
- Inform me whether you will be represented (and their name and contact details)
- Advise me whether there are other people you think may be able to help us (and their names, contact details and why we should hear from them) so that we can consider contacting them for a written statement. We may also need to interview them.
- Sign and return the written undertaking previously sent to you.

My best wishes

Chris

Chris Kitchin
01707 332 470 | 07778 751 381

# APPENDIX

P

[redacted]

The **Methodist** Church

Rev Peter Timms
16 Manor Road
Bexhill-on-Sea
East Sussex
TN40 1SP

16 November 2016

Dear Peter

I have received your latest e-mail.

I have consulted the Connexional Complaints Officer about how we proceed with our investigation. With this advice in mind, the connexional complaints team needs to say that :

a You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7 November 2016 and to visit the MHA Richmond Care Home.

We therefore intend to complete the rest of this complaints process as soon as possible, and not wait until January to fix a new date to interview you.

We can meet you on either **Saturday 3 December 2016** at 12.30pm in central London OR on **Monday 12 December 2016** at 12.30pm in Eastbourne. Please inform me by e-mail **no later than 12 noon on Thursday 24 November 2016** which date you have chosen.

Please be aware that if you do not attend on your chosen date, the Team has the authority to complete its work in your absence.

b the team will arrange a suitable venue;

Methodist Church House
25 Marylebone Road
London, NW1 5JR

c you knew about the timescale when you started the complaints process and cannot complain about it now;

d as previously explained on 1 October 2016 you do not need to obtain sworn statements;

e the Team's role is explained in Standing Order 1123 (12) and 1124 (18). It is "*not to come to any conclusion on the facts or merits of the complaint except to the extent necessary to reach the decisions required*". The purpose is to establish what further steps will be required according to Standing Orders.

f our questions and your responses are based on the structure provided by standing orders and not by the Bellamy guide. The introduction to that guide in paragraph 5 states that "*It must always be remembered that this is only a guide to the Standing Orders, not a substitute for them. In the event that a complaint is made it is the Standing Orders themselves that will govern the procedures and not this Guide*".

g And finally, the Team will not enter into any further communication with you about the nature and process of this investigation. We have told you about the process we will be using and will determine our own procedures within the standing orders of the Methodist Church. Further correspondence must be confined to the practical arrangements for your interview.

At this stage in the proceedings we require you to:

1 Indicate, **by return e-mail**, which of the above dates is convenient for you;

2 Advise us whether there are any people you think the team should hear from - together with their names and contact details - and why you think we should hear from them. The Team has the authority to decide whether or not to hear from them and, if so, either by written statement or by interview - as requested on 12 September, 1 and 8 October 2016 (Standing Order 1124 (3) applies);

3 Sign and return the written undertaking about confidentiality - as requested in my letters dated 12 September, 1 & 8 October 2016

(Standing Order 1157 (3) applies). The evidence of those breaches is attached.

We also remind you, as previously explained, that if you do not return the written undertaking about confidentiality by noon on **Thursday 24 November 2016**, the powers under Standing Order 1157 (3) (see extract below) may be used:

*(i) decline to provide the complainant with copies of further documents or further information in connection with the relevant complaint or charge until the complainant has provided a written acknowledgment that all documents and information already received or hereafter received in connection with that complaint or charge are confidential and a written undertaking to comply with Standing Order 1104(7) at all times;*

*(ii) decline to provide the complainant with copies of further documents or further information in connection with that complaint or charge at all;*

*(iii) determine that the complainant shall be excluded from further participation in the complaints and discipline process relating to that complaint or charge either altogether or as set out in the determination.*

4 Tell us whether you will be accompanied by a member of the District Complaints Support Group OR a friend AND be represented - together with their names and contact details - as requested on 12 September, 1 and 8 October 2016 (Standing Order 1124 (2) (b) applies);

5 We already have your statements on each of the three related complaints against Revs Ian Pruden, Rose Westwood and Dr Philip Luscombe. If there is any new supporting information you wish to provide before your interview, please let me have a succinct statement of no more than two A4 pages in total by **12 noon on Thursday 24 November 2016.**

Yours sincerely

Chris Kitchin
Lead Member

**The evidence of breaches of confidentiality by Rev Peter Timms.**

**24 August 2016 : E-mail from Peter Timms to John Troughton**

From: Peter Timms <petertimms107@gmail.com>
Date: 24 Aug 2016 21:48
Subject: Meeting of the invitation Committee 24th august 2016
To: jmtroughton@btinternet.com
Cc: hbrmethcircuit@btconnect.com

23.08.16

To JohnTroughton

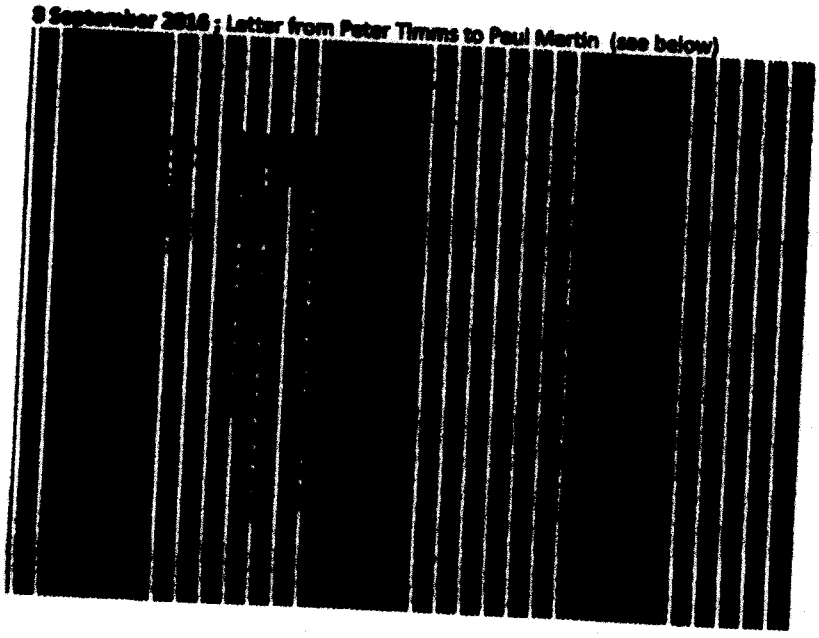
My understanding is that on the evening of 24th August 2016 there is a meeting of the Invitation Committee been held in which the Chairman of the District Rev John Hellyer is to act as Chair of the meeting.

As as member of the Circuit Meeting and you in the role of coordinating this meeting I ask you to draw attention of the meeting to the following facts concerning Rev Ian Pruden at my request (Rev Peter Timms) "At present there an independent investigation been conducted by Methodist Headquarters which involves considerations relavent to Rev Ian Prudens integrity and honesty whilst in the role of superintendent in this Circuit concerning me and my Ministry in this Circuit"

Sincerely,

Rev. Peter Timms, OBE MA
Methodist Minister

**9 September 2016 : Letter from Peter Timms to Paul Martin (see below)**



# APPENDIX

Q

[redacted]

The **Methodist** Church

Rev Peter Timms
16 Manor Road
Bexhill-on-Sea
East Sussex
TN40 1SP

16 November 2016

Dear Peter

I have received your latest e-mail.

I have consulted the Connexional Complaints Officer about how we proceed with our investigation. With this advice in mind, the connexional complaints team needs to say that :

a You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7 November 2016 and to visit the MHA Richmond Care Home.

We therefore intend to complete the rest of this complaints process as soon as possible, and not wait until January to fix a new date to interview you.

We can meet you on either **Saturday 3 December 2016** at 12.30pm in central London OR on **Monday 12 December 2016** at 12.30pm in Eastbourne. Please inform me by e-mail **no later than 12 noon on Thursday 24 November 2016** which date you have chosen

Please be aware that if you do not attend on your chosen date, the Team has the authority to complete its work in your absence.

b the team will arrange a suitable venue;

Q2

c you knew about the timescale when you started the complaints process and cannot complain about it now;

d as previously explained on 1 October 2016 you do not need to obtain sworn statements;

e the Team's role is explained in Standing Order 1123 (12) and 1124 (18). It is "*not to come to any conclusion on the facts or merits of the complaint except to the extent necessary to reach the decisions required*". The purpose is to establish what further steps will be required according to Standing Orders.

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3 Sign and return the written undertaking about confidentiality - as requested in my letters dated 12 September, 1 & 8 October 2016

3

Q3

(Standing Order 1157 (3) applies). The evidence of those breaches is attached.

We also remind you, as previously explained, that if you do not return the written undertaking about confidentiality **by noon on Thursday 24 November 2016**, the powers under Standing Order 1157 (3) (see extract below) may be used:

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Yours sincerely

Chris Kitchin
Lead Member

Q 4

## The evidence of breaches of confidentiality by Rev Peter Timms.

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Date: 24 Aug 2016 21:48
Subject: Meeting of the Invitation Committee 24th august 2016
To: jmtroughton@btinternet.com
Cc: hbrmethcircuit@btconnect.com

23.08.16

To JohnTroughton

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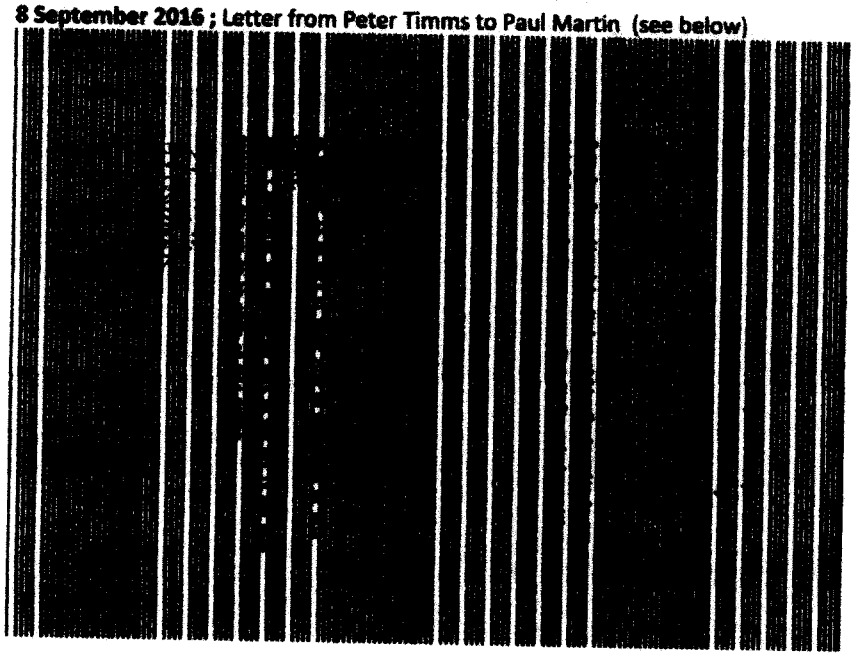
Sincerely,

Rev. Peter Timms, OBE MA
*Methodist Minister*

**8 September 2016 ;** Letter from Peter Timms to Paul Martin (see below)



Q 5

**9 September 2016 : E-mail from John Hellyer to Peter Timms**

From: john.hellyer@methodistsoutheast.org
To: member @ veronica32.fsnet.co.uk
Cc: boltona@methodistchurch.org.uk

Dear Mr Timms,

I write having taken advice from the Secretary of Conference.

The Circuit Stewards have reported to me that you have been in touch with them about the complaint that you are pursuing against Rev Ian Pruden. Standing Orders state that this is confidential information and should not be divulged to anyone in the circuit and should not form part of the consideration of Ian's reinvitation.

If your appeal against the rejection of your complaint by the local complaints officer is upheld then the Connexional Complaints Panel will decide what action will be taken. It is not a matter for either the Invitations Committee or the Circuit Meeting.

Should you attempt to raise this matter at the Circuit Meeting it will be ruled out of order.

With best wishes,

*John Hellyer*

**Rev John Hellyer**
**District Chair**

# APPENDIX

Bexhill on Sea
TN40 1SP

18th November 2016

Mr. Chris Kitchin

Dear Chris,

I was surprised and little disappointed with the content of your email. However, I try to remain optimistic that the Connexional Panel, with you as Chairman, will seek to remain impartial and assiduous in your inquiry as I the search for the truth, justice, fairness and even reconciliation in this matter.

In response to your para (a) it may be that you yourself have broken the rule of confidentiality which, as you know, applies to all those in dealing with a complaint.

In that regard I raise the following questions:-

1. How did anyone attending the Sackville meeting know that you were in charge of an enquiry into Grievances that concern me? Did they contact you? Or did you contact them? Who are these people? On what basis was contact made?

   Did a person, or persons, telephone you or did you telephone them? What right did they have to do so? No person involved in this matter was present at the Sackville meeting. This evidence is therefore second or third-hand hearsay – which should be no part of your inquiry.

   You should not have listened to it; after you had listened to it, you should not have acted upon it. Further, it is clear that you accept the truth of such reports without question. This is prejudicial.

2. If you check carefully with your informant you may discover the meeting was seriously curtailed in a number of ways. Although attending it was a very long standing commitment by me, I spoke only for a very brief period and returned home.

3. The implicit underlying assumption your letter makes regarding my medical and health condition is ill-advised, intemperate and somewhat alarming. I continue to act according to the medical advice of my Doctor and the hospital Cardiac Team. I do not take kindly to the inference you make concerning my health in your letter. It is however, revealing of your own current thinking as Panel Chairman.

R2

It is most regrettable that once again you continue to seek to impose arbitrary deadlines and changing dates. However, for medical, practical and arrangement reasons I cannot accept the dates you propose. I have continued to work towards the January 2017 date proposed by you – which I accepted. I work within the limits of my energy and health.

It is clear that someone has breached confidentiality in some way. I wish to know who. It now seems clear that the actions, in which you have taken a part, break the confidentiality rule and for that reason, unless you give an acceptable excuse, I will proceed as soon as I am well enough to ask the relevant office if I might send to the panel their details with their responses to this particular request.

I assert that I do not believe I have broken the confidentiality obligation and, when it is appropriate, I shall show my evidence on that matter. I now request that you forward to me copies of all the documentation, correspondence and emails being held by the panel in relation to this enquiry and the three grievances concerning Rev Pruden, Rev Luscombe and Rev Westwood. This will enable me to address certain matters that concern truth, justice and fairness. The withholding of such evidence from me will oblige me to consider it a prejudicial act on your part

As a token of my own goodwill I shall ensure that during the coming week of so you receive my detailed Grievance for the Panel concerning Rev Westwood. As noted earlier, I will continue to work as quickly as I can on the two other Grievances replies from Rev Luscombe and Rev Pruden. I believe the three grievances are quite separate and should be dealt with separately for the reasons I have already mentioned in earlier correspondence.

Yours sincerely

Rev. Peter Timms

# APPENDIX

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

18 November 2016

Chris Kitchin
Connexional Complaints Team
The Methodist Church House
25, Marylebone Road
LONDON NW 1 5 JR

Dear Chris

I note that you had a report from the Monday Fellowship at Sackville Road. I dispute your reading of it, but point out that I believe that there is a general duty of confidentiality imposed on all those involved in dealing with a complaint, including the parties themselves. I believe that you have broken confidentiality in speaking with someone present about my attendance – and, worse, using that information in the complaints process.

How did anyone attending that meeting know that you were in charge of an inquiry into the grievances?

Did someone contact you? If so – how did they know you were in charge of the inquiry?

Did you telephone someone? If so what right did you have to do so?

I think you would be wise to reveal your source immediately.

If you check back with your informant, you will find that I managed to last only seven minutes in what was supposed to be a much longer contribution – arranged many weeks ago and upon which the Fellowship was depending.

It raises an interesting point in our relationship. I have commitments similar to the Monday Fellowship in which many people rely on my attendance. I cannot fulfil all my obligations at the moment, but must decide which has priority, the members of the Methodist congregations and similar groupings – or an adherence to your ever-constricting ultimata and deadlines.

My own view, and the line that I am following, is that my primary allegiance is to the Methodist Church. I will do what I can for its members as required by my terms of employment – and then I will

deal with you. If you consider that my priority should be to you and you alone, please inform me in writing of that view.

I regret that we have come to this – I enclose a letter from my doctor which may help you in your consideration.

I see no reason why we should not proceed in the New Year as you proposed and to which proposal I feel I can agree to. However, I warn you that I have commitments other than answering your letters and strictures. I have two funerals next Monday. Shall I put them off? Should I request the mourners to arrange another date? I feel I can summon up enough strength to get through them ( they are both cremations, so I will not need to stand out in the cold) but I shall not be able to anything else that day.

I shall also attempt to keep up my MHA commitments because the old people there get comfort from my presence. The work is not necessarily strenuous, I can sit around listening for most of the time on such occasions.

Please do not breach the Standing Orders on confidentiality at the Richmond again. I feel I am among friends there – and dislike the thought that one of the persons there is your spy.

If it helps, I plan to submit to you a detailed grievance at the beginning of next week.

I repeat that I believe there should be a meeting of reconciliation. I ask you to arrange one and will discuss such with you preferably in a face to face meeting when I am well.

Yours faithfully,

Rev. Peter Timms.

# APPENDIX

[redacted]

The **Methodist** Church

Rev Peter Timms
16 Manor Road
Bexhill-on-Sea
East Sussex
TN40 1SP

24 November 2016

Dear Peter

Thank you for your letter dated 18 November 2016.

Some quick responses to issues you have raised.

The complaints team is entitled to speak to whoever it wishes and does not breach confidentiality in the process.

You are entitled to the documents produced by the respondents and, in their turn, they are entitled to yours. You are not entitled to any other documents which the team may hold.

The three complaints are being handled separately but as you are the complainant common to each respondent, there will be one report at the end of the process.

It is of concern to the complaints team that your health may interfere with your ability to meet the team. However, we need also to consider the interest of those against whom you have made serious complaints.

The Standing Orders of the Methodist Church (SO 1124 (2) (a)) require that:

*"The steps to be taken must include at least one separate face-to-face meeting with both the complainant and the respondent, attended by at least two members of the complaints team, unless it is not reasonably practicable to hold such a meeting.*

Methodist Church House
25 Marylebone Road
London NW1 5JR

T2

We are therefore making the following options available to you:

1. EITHER the team will meet you in person in Eastbourne at 12.30pm on Monday 12 December if you are well enough;
2. OR the team will meet and hold a telephone interview with you at 12.30pm on Monday 12th December if you are well enough;
3. OR the team will meet on Monday 12th December and discuss all the information we have received, in order to come to a conclusion in this matter.

If you think you will be able to meet with us in Eastbourne on Monday 12 December, please let us know whether it is your intention to attend and also whether you will be accompanied by someone from the District Complaints Support Group OR a friend AND to be represented.

If you think you will not be well enough to meet with us in person on Monday 12 December, but would be willing to have a phone conversation with us, please let us know.

If you think you will not be well enough for a meeting OR a phone conversation, you have the option of responding in writing to the questions on the following page. These are the questions, amongst others, we would explore with you in person or on the phone. Your response to each question should be restricted to no more than one half of A4, 12 point. We will then come to a conclusion based on

a) your original written complaints
b) the written replies of the respondents
c) your written responses to the attached questions, should you choose to reply to them.

Please let me know by **noon on Monday 28th November 2016** which of these options you have chosen.

If you chose option 3, and decide to provide written responses to our questions, I will need to receive these by **5pm on Thursday 1st December 2016.**

Please note that the complaints team will reach a conclusion on Monday 12 December, whether or not you are present. This means that we will **proceed to a final determination of the matter from which you as the complainant have**

T3

**no right of appeal** - SO 1126 (2) applies in this case. Our choices with the regard to the outcome are listed in SO 1124 (7).

Yours sincerely

Chris Kitchin
Lead Member

PS I'm sorry your telephone and internet service has been disrupted by the recent storms and hope a good service has been resumed.

TK

**Questions for written responses by 5.00pm on Thursday 1 December 2016**

---

What outcome are you hoping for from the connexional complaints team process?

What were your reasons for thinking you could take on the Superintendency when you already were committed to both Sackville Rd and MHA?

If you had applied for the job of superintendent, how did you plan to manage a workload that was more than full time?

How do you distinguish between being stationed in a Circuit and offering pastoral support to a church or churches in a circuit as a Supernumerary?

Why were you unwilling to undertake the specified procedure in SO 793 for supernumeraries wishing to return to the active work?

Were you aware that you had been given five minutes maximum to speak at the Circuit Meeting?

Do you feel you exceeded that time limit and if so, what was your justification for doing so?

Which standing order are you alleging Phillip Luscombe broke in his dealings with you?

# APPENDIX

[redacted]

The **Methodist** Church

Rev Peter Timms
16 Manor Road
Bexhill-on-Sea
East Sussex
TN40 1SP

24 November 2016

Dear Peter

Thank you for your letter dated 18 November 2016.

Some quick responses to issues you have raised.

The complaints team is entitled to speak to whoever it wishes and does not breach confidentiality in the process.

You are entitled to the documents produced by the respondents and, in their turn, they are entitled to yours. You are not entitled to any other documents which the team may hold.

The three complaints are being handled separately but as you are the complainant common to each respondent, there will be one report at the end of the process.

It is of concern to the complaints team that your health may interfere with your ability to meet the team. However, we need also to consider the interest of those against whom you have made serious complaints.

The Standing Orders of the Methodist Church (SO 1124 (2) (a)) require that:

*"The steps to be taken must include at least one separate face-to-face meeting with both the complainant and the respondent, attended by at least two members of the complaints team, unless it is not reasonably practicable to hold such a meeting.*

Methodist Church House
25 Marylebone Road
London NW1 5JR

u 2

We are therefore making the following options available to you:

1. EITHER the team will meet you in person in Eastbourne at 12.30pm on Monday 12 December if you are well enough;
2. OR the team will meet and hold a telephone interview with you at 12.30pm on Monday 12th December if you are well enough;
3. OR the team will meet on Monday 12th December and discuss all the information we have received, in order to come to a conclusion in this matter.

If you think you will be able to meet with us in Eastbourne on Monday 12 December, please let us know whether it is your intention to attend and also whether you will be accompanied by someone from the District Complaints Support Group OR a friend AND to be represented.

If you think you will not be well enough to meet with us in person on Monday 12 December, but would be willing to have a phone conversation with us, please let us know.

If you think you will not be well enough for a meeting OR a phone conversation, you have the option of responding in writing to the questions on the following page. These are the questions, amongst others, we would explore with you in person or on the phone. Your response to each question should be restricted to no more than one half of A4, 12 point. We will then come to a conclusion based on

a) your original written complaints
b) the written replies of the respondents
c) your written responses to the attached questions, should you choose to reply to them.

Please let me know by **noon on Monday 28th November 2016** which of these options you have chosen.

If you chose option 3, and decide to provide written responses to our questions, I will need to receive these by **5pm on Thursday 1st December 2016.**

Please note that the complaints team will reach a conclusion on Monday 12 December, whether or not you are present. This means that we will **proceed to a final determination of the matter from which you as the complainant have**

**no right of appeal** - SO 1126 (2) applies in this case. Our choices with the regard to the outcome are listed in SO 1124 (7).

Yours sincerely

Chris Kitchin
Lead Member

PS I'm sorry your telephone and internet service has been disrupted by the recent storms and hope a good service has been resumed.

a 4

**Questions for written responses by 5.00pm on Thursday 1 December 2016**

---

What outcome are you hoping for from the connexional complaints team process?

What were your reasons for thinking you could take on the Superintendency when you already were committed to both Sackville Rd and MHA?

If you had applied for the job of superintendent, how did you plan to manage a workload that was more than full time?

How do you distinguish between being stationed in a Circuit and offering pastoral support to a church or churches in a circuit as a Supernumerary?

Why were you unwilling to undertake the specified procedure in SO 793 for supernumeraries wishing to return to the active work?

Were you aware that you had been given five minutes maximum to speak at the Circuit Meeting?

Do you feel you exceeded that time limit and if so, what was your justification for doing so?

Which standing order are you alleging Phillip Luscombe broke in his dealings with you?

# APPENDIX

8, Thornsett Road,
LONDON SE 20 7 XE

Thursday, 27 October 2016

Chris Kitchin
Connexional Complaints Team
The Methodist Church House
25, Marylebone Road
LONDON NW 1 5 JR

Re: Rev Peter Timms

Dear Sir,

Rev Peter Timms asked me to be his "friend" at the inquiry on November 16th.

I know that he considered that date too early for him , but he has been working hard to try to meet the deadline.

Unfortunately, he succumbed to a heart attack yesterday and is currently in hospital

His wife Veronica is very upset and will probably not think to alert you to this , so I thought I had better write you a letter.

I presume that Peter will contact you when he is well enough to start work on his grievance documents again.

Yours faithfully,

.....
Peter Hill 0208 778 1064 / 07836 38 7924 email
peter.hill@raybrook.co.uk

# APPENDIX

[redacted]

The **Methodist** Church

Rev Peter Timms
16 Manor Road
Bexhill-on-Sea
East Sussex
TN40 1SP

29 November 2016

Dear Peter

Thank you for your e-mail dated 27 November 2016.

As explained, it is of concern to the complaints team that your health may interfere with your ability to meet the team. However, we need also to consider the interest of those against whom you have made serious complaints.

The Standing Orders of the Methodist Church (SO 1124 (2) (a)) require that:

*"The steps to be taken must include at least one separate face-to-face meeting with both the complainant and the respondent, attended by at least two members of the complaints team, unless it is not reasonably practicable to hold such a meeting.*

You have explained that you are attending the AGM of the Loudoun Trust on Monday 12 December 2016.

Please would you let me know:

- when and where that meeting is being held and we will arrange to meet with you on that day either before or after the AGM in order to come to a conclusion in this matter.

- whether you intend to be available and also whether you will be accompanied by someone from the District Complaints Support Group OR a friend AND to be represented.

- whether, instead, you would be willing to have a phone conversation with the team on that day.

Methodist Church House
25 Marylebone Road
London NW1 5JR

W 2

If you think you will not be well enough for a meeting OR a phone conversation, you have the option of responding in writing to the questions on the following page. These are the questions, amongst others, we would explore with you in person or on the phone. As previously explained, your response to each question should be restricted to no more than one half of A4, 12 point. We will then come to a conclusion based on

a) your original written complaints
b) the written replies of the respondents
c) your written responses to the attached questions, should you choose to reply to them.

Please let me know by **noon on Monday 5 December 2016** which of these options you have chosen and your responses to all the questions.

Please note that the complaints team will reach a conclusion on Monday 12 December, whether or not you are present. This means that we will **proceed to a final determination of the matter from which you as the complainant have no right of appeal** - SO 1126 (2) applies in this case. Our choices with the regard to the outcome are listed in SO 1124 (7).

Yours sincerely

Chris Kitchin
Lead Member

W 3

**Questions for written responses by Noon on Monday 5 December 2016**

---

What outcome are you hoping for from the connexional complaints team process?

What were your reasons for thinking you could take on the Superintendency when you already were committed to both Sackville Rd and MHA?

If you had applied for the job of superintendent, how did you plan to manage a workload that was more than full time?

How do you distinguish between being stationed in a Circuit and offering pastoral support to a church or churches in a circuit as a Supernumerary?

Why were you unwilling to undertake the specified procedure in SO 793 for supernumeraries wishing to return to the active work?

Were you aware that you had been given five minutes maximum to speak at the Circuit Meeting?

Do you feel you exceeded that time limit and if so, what was your justification for doing so?

Which standing order are you alleging Phillip Luscombe broke in his dealings with you?

# APPENDIX

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

1. Dec 16.

Rev Chris Kitchin
Methodist Church House
25, Marylebone Road
LONDON
NW1 5JR

Dear Chris,

In reply to your letter dated 29th November

1. I note that you have not named the person, or persons, who informed you that I attended a meeting at Sackville Road and then attended the Richmond home on 7th November.

I fear we cannot progress until you satisfy me on this point. It seems to me that there has been a breach of confidentiality in your obtaining this information. What is more, that information *must be hearsay* – and is probably at second hand. I do not think that it is right for you to progress on hearsay evidence, particularly when I do not know the person giving that evidence.

Either someone approached you with the information or, you approached someone.

If, as I suspect, your informant is one of the respondents in my three complaints, then the inquiry must allow me to submit further evidence in my complaint against that person.

You may claim that your source is not one of the respondents – in which case can you please explain how someone who should *not have known that my illness was an issue* in the schedule of the inquiry came to know that my health was of interest to you? How did such a person even know how to contact you?

This smacks of a conspiracy.

I accept that the 3 respondents needed to know that the timetable was changed because of my illness. But no one beyond that should have been informed that
a) I was ill
and b) that this was relevant to the inquiry's timetable.

I certainly did not tell anyone.

This matter goes to the root of the inquiry and must be settled before we can progress. I urge you to respond immediately. X2

As it stands at the moment, it seems that evidence contrary to my interests is being held in your secret dossier. I suspect that it is hearsay evidence provided by someone who was not a witness to my being in the two locations. I am therefore being judged by you on secret information from a secret source.

If you cannot cooperate with me on this, I need to consider whether I can cooperate further with you.

Not only do I require the name of your informants, but I require, in writing, their evidence. Should you supply me with this, I will require time to consult and answer the points made.

I would now also like to receive details of all correspondence – letters, telephone calls, and emails, that have come to you, from whatever source, concerning me.

You will recall that it is this particular evidence about my illness which caused you to change your mind about conducting the inquiry in January, as had been agreed between us - and moving it into December, with the threats that accompanied that change of mind.

2 I see that you include your list of questions again – but you do not tell me to which of my three grievances they might apply, which is what I asked you to do. I do not intend answering them, nor going on a fishing expedition with you, until I know not only the source of such accusations, but also to which of the grievances they apply.

As I see the questions, they are accusatorial. I remind you that this inquiry is about my complaints, not those of someone else. If someone is aggrieved about me, let them enter the grievance process as I have been forced to do.

I fear that unless I know the source of these remarks I shall regard the matter as a further breach of confidence.

3. I note that you have also failed to acknowledge receipt of my detailed complaint against Rev Westwood. I hope it is not lost. I am taking extra precautions with the separate complaints against Revs Pruden and Luscombe. Please inform me if you have not received my dossier on the Rev Westwood complaint.

I am happy to meet with you as soon as possible, but not to go through the inquiry process. A date before Christmas would be possible. I feel that we are at a point when procedures must be discussed before we go forward. There are too many questions unanswered – and I would not like to attend three separate inquiries only to discover that I am constantly having to request adjournments because of procedural difficulties.

Your persistent demand that I submit everything on 2 sheets of A4 paper is clearly not an attainable goal. I must receive assurances on this aspect of the procedure. X3

I am happy to come to London on that day to meet with you. Since the complaints themselves will not be discussed, there would be no real need for the other members of your panel to attend. We can find a place at Methodist House no doubt. However, I warn you, if in any way you attempt to turn such a meeting into a part of the inquiry, I shall terminate the meeting immediately.

4. Your suggestion that I somehow shoehorn three sessions of a complaints inquiry into my schedule for December 12th is somewhat fanciful. I travel from Bexhill, starting at around seven in the morning – hoping that Southern Trains are actually running. I need to be at the AGM at least half an hour before it starts. It runs through lunch and after it I hurry across the road to the Children's Commission for a further hour. I shall be lucky if I get out of there by five o'clock – and I then must catch a train back to Bexhill. The last feasible one is around six o'clock. I must therefore decline your generous offer.

However, please take up my invitation to meet on December 19th – on the terms I mention above. I hope we can meet in an atmosphere of reconciliation.

5. I should inform you that should you come to a "final determination of the matter" on Monday 12th December, I will not accept that and will continue with the complaint by other means. Please do not take us to that stage. I refute your assertion that there is no right to appeal. I have it on very good authority that there is - so there is no need for you to continue with that particular threat. Indeed, there is no need to repeat the threats that you have so far made. I have read them and see them for what they are.

Yours truly,
Peter

# APPENDIX

120616
I don't know if you are the right person to handle this or not, if not, please ignore me.

Peter Timms is still very ill and cannot attend a meeting next Monday that Rev Kitchin requires him to do.
I recall Peter telling me some time ago that the church would provide a lawyer of some sort for him, but he had decided to do the job himself. I recall saying to him that only a fool is his own lawyer. However, if the church does indeed offer some kind of legal advice or advocacy, I think it now the time for Peter to ask for such help.

I cannot ask him about this at the moment. His wife is worried about him taking any calls – and in any case it may all be some kind of pipe dream on my part due to faulty memory. However, does the Methodist Church have such a service in cases such as this? And how can it be triggered?

I thought that perhaps towards the end of the week Peter might be fit enough to consider such an option.

This might help with the deadline.

-Peter Hill

# APPENDIX

120616 Further to my earlier email, I recall Peter Timms telling me some time ago that the church would provide a lawyer of some sort for him, but he had decided to do the job himself. I recall saying to him that only a fool is his own lawyer. However, if the church does indeed offer some kind of legal advice or advocacy, I think it now the time for Peter to ask for such help.

I cannot ask him about this at the moment. His wife is worried about him taking any calls – and in any case it may all be some kind of pipe dream on my part due to faulty memory. However, does the Methodist Church have such a service in cases such as this? And how can it be triggered?

I thought that perhaps towards the end of the week Peter might be fit enough to consider such an option.

This might help you with your deadlines.

-Peter Hill

120616 As I think I mentioned, Peter Timms gave me permission to deal with his emails to you while he is recuperating. My knowledge of this matter is limited to the fact that it was I who typed out his responses for submission to you.

I don't know if this helps you – and I do not know details of your rules on confidentiality that you mention. So if I breach them, please ignore this.

Last week, when I talked with Peter Timms, he told me that he was being accused of asking for the job of Superintendent. He laughed and said that this was rubbish – and he would defend himself against it once he knew who his accuser was.

If you are going ahead on December 12th, will he be accused of this – and how can he defend himself? Further, as his friend, can I attend the inquiry in his place?

# APPENDIX

A

A

-

Email 120616 re Peter cannot attend

Thank you.

Chris

Chris Kitchin
01707 332 470 | 07778 751 381
-----Original Message-----
From: peter.hill@raybrook.co.uk
Sent: Tuesday, December 6, 2016 9:42 AM
To: Chris
Subject: Re: COMPLAINT

Due to Peter Timms' illness, I have cancelled the Loudoun Trust AGM meeting on December
12th. I think it therefore unlikely that he will be able to speak with you on the telephone on
that day too. Indeed, his voice is affected by his illness and speaking, at the moment is
difficult. I will keep you in touch concerning this, but I fear you will have to go ahead without
him.
From a conversation I had with him last week, I know that Peter intends to appeal any
adverse decision.

-Peter Hill

# APPENDIX

B
B

Email dec 6th 120616 re Superintendent

BB

Dear Peter

Once again, I don't know where Peter finds his information. He is not being accused "of asking for the job of Superintendent". It is he who is complaining against other people. Without Peter's presence you would not be able to attend in his place. The role of "friend" in this process is to support the complainant not to speak for them or represent them in any way.

Chris

Chris Kitchin
01707 332 470 | 07778 751 381

**From:** peter.hill@raybrook.co.uk
**Sent:** Tuesday, December 6, 2016 11:21 AM
**To:** Chris
**Subject:** Re: COMPLAINT

As I think I mentioned, Peter Timms gave me permission to deal with his emails to you while he is recuperating. My knowledge of this matter is limited to the fact that it was I who typed out his responses for submission to you.

I don't know if this helps you – and I do not know details of your rules on confidentiality that you mention. So if I breach them, please ignore this.

Last week, when I talked with Peter Timms, he told me that he was being accused of asking for the job of Superintendent. He laughed and said that this was rubbish – and he would defend himself against it once he knew who his accuser was.

If you are going ahead on December 12th, will he be accused of this – and how can he defend himself? Further, as his friend, can I attend the inquiry in his place?

-Peter Hill

# APPENDIX

C
C

120616 email from Alan Bolton re advocate
Dear Mr Hill,

The person in charge of the complaint process is Mr Kitchin whose official title under the Church's complaints procedures is "Lead Member of the Connexional Complaints Team". He has two other colleagues on the Team with him. All concerns and issues need to be addressed to Mr Kitchin, as I have indicated by forwarding your earlier emails to him.

The Church does not provide a legal advice service, but Mr Timms will already have been offered help from the District Complaints Support Group, and he is at liberty to take up that offer at any time (even after the complaints process has run its course). Again, Mr Kitchin is the person to ask about this. The Support Group is there to offer people as friends or advisers, but not representatives.

Kind regards,

**Alan**
+44 (0)20 7467 3767

**From:** peter.hill@raybrook.co.uk [mailto:peter.hill@raybrook.co.uk]
**Sent:** 06 December 2016 11:49
**To:** Alan Bolton
**Subject:** Re: Rev Peter TImms

I don't know if you are the right person to handle this or not, if not, please ignore me.

Peter Timms is still very ill and cannot attend a meeting next Monday that Rev Kitchin requires him to do.
I recall Peter telling me some time ago that the church would provide a lawyer of some sort for him, but he had decided to do the job himself. I recall saying to him that only a fool is his own lawyer. However, if the church does indeed offer some kind of legal advice or advocacy, I think it now the time for Peter to ask for such help.

I cannot ask him about this at the moment. His wife is worried about him taking any calls – and in any case it may all be some kind of pipe dream on my part due to faulty memory. However, does the Methodist Church have such a service in cases such as this? And how can it be triggered?

I thought that perhaps towards the end of the week Peter might be fit enough to consider such an option.

This might help with the deadline.

-Peter Hill

cc
2

# APPENDIX

Email 120616 re process

Dear Peter

Thank you for your e-mail dated 4 December 2016 to Alan Bolton which has been forwarded to me.

I have tried to explain to Peter Timms that we have all the information we need. He contained it in his original complaint. He does not need to bring witnesses and documents to prove every point he is making. He continues to challenge the interpretation of the standing orders of the Methodist Church and this seems to be causing him additional work.

The task of a connexional complaints team, at this point in the proceedings, is to follow a structured decision-making process which is laid down for it. It's role is not to come to any conclusions on the facts or the merits of the complaint except to the extent necessary to reach the decisions required. Those decisions relate to the next steps which may need to be taken.

If you would like to follow the process you can use this link to The Constitutional Practice and Discipline of The Methodist Church (which is the rule book we are following). http://www.methodist.org.uk/media/1841903/conf-2016-cpd-vol-2.pdf

You will find the relevant section in Part 11 between pages 676 and 738. At the moment we are at pages 698 to 701.

I hope this helps.

Chris

Chris Kitchin
01707 332 470 | 07778 751 381

**From:** Alan Bolton
**Sent:** Tuesday, December 6, 2016 11:20 AM
**To:** Chris
**Subject:** FW: Rev Peter Timms

Dear Chris,

Another email from Mr Timms's friend Mr Hill.

Kind regards,

**Alan**
+44 (0)20 7467 3767

# APPENDIX

The **Methodist** Church
in Britain

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# APPENDIX

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

Rev. Dr. David M. Chapman
The Central Sussex United Area
Methodist and United Reform Church
Haywards Heath Methodist Church
Perrymount Road
Haywards Heath
West Sussex
RH16 3DN

WITHOUT PREJUDICE.

Dear David,

Thank you for your letter of 5th April. You state that under the complaints and discipline procedures of the Methodist Church I have 21 days from receipt of this letter ( 6th April 2016) to refer the matter to the Connexional Complaints Officer.

I hereby lodge a desire to bring this matter to the Connexional Complaints Officer. However, the time limit of 21 days, I am advised, is too short for the purpose. Indeed, I will suggest that the regulation itself is not fit for the purpose in dealing with complaints such as mine – and I believe it should be changed.

There are no doubt precedents to support this view. Should you know of any, as my representative regarding complaints, I would expect you to draw up a list of such.

I need to contact witnesses and obtain various documents in order to fully represent myself before the Connexional Complaints Officer. I envisage at least a month for this – or even more if certain persons attempt to hinder the research in this case.

Should it be required that I attend a meeting, or present documentary evidence, to the Connexional Complaints Officer, I shall apply for an adjournment of proceedings until I have the evidence I am collecting.

A complaint to the Connexional Complaints Officer would, necessarily, include material that, so far, has not been in this dispute.

F-F
2

You state you do not think it appropriate to refer these matters to the Connexional Complaints Officer. I should therefore like you, in your capacity as Local Complaints Officer, to inform me in some detail of what other avenue of redress you think possible within the Methodist Church administration. I might consider such avenues, but once again, I think that such consideration would make it impossible to prepare my case within the 21 day stipulation.

I further wish to know whether your decision is endorsed by the Rev John Gordon. If he knows nothing of this, I shall ask him for a second opinion on your decision.

I note your comment concerning the connexional complaints officer. Please provide me with a statement of your own reasoning underlying your decision. Any further comments you may have should be sent to me within the customary ten working days.

I am advised that I should not have verbal communication with anyone from the Church concerning this matter, both in person and on the telephone. I shall be obliged therefore if you would write to me in the future.

Yours sincerely,

.....

Rev. Peter Timms O.B.E. tel:01424214967 mobile:07708781025
email: member@veronica32.fsnet.co.uk

# APPENDIX

G
G

# Hastings, Bexhill and Rye Circuit

## Minutes of Circuit Meeting - Tuesday 16th September 2014, 7.30pm at Sackville Road Methodist Church

1. Opening Worship was led by The Circuit Stewards
2. Welcome
3. David Hanson welcomed the meeting to Sackville Road and assured the meeting Sackville Road will continue its work through what is expected to be a difficult year.
4. Apologies for Absence Christine Ward; Bill Gray; Diane and David Funnell; Trish Plummer; Magnus Gorham; Jill Sayers; Mary Bridger; Rob Reeves; Alan Whitehead; Edna Moore; Keith Miller; Cecile Wright; Betty and Derek Snow; Jean Wells; Hazel Downing
5. Letters of greeting:
   The following have been sent since the last meeting:
   Rev John and Hilda Mitchell; Clifford Foster; Pam Malpass.
   Letters to be sent to: Betty and Derek Snow; Bill Gray; Cecile and David Wright; Norman Wilcock.
6. A letter of greeting and thanks was read from Ian Wales.
   Ian Pruden thanked both Peter and Lesley for their contributions on the staff team at Sackville Road and Hollington respectively.
7. Minutes of meeting held in June and any matters arising:
   The Minutes were approved. No matters arising
8. Notice of any other business
   There were no matters of any other business
9. Circuit Matters

   Named presbyters for chairing Church Councils:
   Calvert, Pett, St Helens, Rye, Little Common and Ninfield - Ian and Peggy in reserve
   Park Road, Hollington, Battle, Trinity, Christchurch and Sackville Road - Peggy and Ian in reserve

   Named Circuit Stewards attending Church Councils:
   Park Road and Rye- Dawn
   Ninfield, Sackville Road and Christchurch -John (Barbara to cover these if necessary)

Calvert, St Helens and Petl- Fitz

Hollington, Little Common- Barbara

Trinity and Battle- Paul

Senior Steward -Cecile

The following supernumeraries have opted into the membership of the Circuit Meeting:

Revs Peter Timms, Michael Ward, John Forster, John Hope, David Freeland, Frank May. When responses received others will be noted.

10. Conversation on the work of God and development of Circuit policy - The paper on A Generous Life to be discussed by all autumn Church Councils - please note two additional questions which will be circulated to Church Council Secretaries. Churches to look at their resources this autumn in terms of being open, being community, being God's people where we are. We had a small conversation in groups about being generous at the last Circuit Meeting, now Ian would like all our churches to have a similar conversation and report back to him and we might form some sort of statement that will help us with direction longer term.

The Circuit Leadership Team is looking at its own role and direction and is planning an away day in January; the strategy group which reports to the LT is looking at our spiritual and material life and will in time bring recommendations to this meeting via the LT, it is beginning by looking at the terms of reference of each meeting in the Circuit, and at some training in areas of church life that we might need help with, such as the Church council role in law as managing trustees.

The three churches in Hastings and St Leonards that voted to look further at coming together will gather for an open meeting when we can find a free Saturday. Or we will have a joint service on the plan and an afternoon session on a Sunday. We are seeing growth, perhaps not how we expect, through Messy Churches and baptisms and local contact with our communities through things like Christians Against Poverty, the Snowflake shelter, other agencies and Food Banks. A Food Bank opens in Rye next month. All this is generous living, but can we be more so?

11. Circuit Invitation Committee The Invitation Committee issued a paper with the Agenda recommending the appointment of Ian Pruden as the Superintendent Minister for the remaining period of his appointment which is August 2017. This paper was accepted by the meeting and Ian was welcomed by Peggy to the Circuit in this role.

There was one objection from Rev Peter Timms which was ruled as not a substantive objection. There was much acrimonious discussion and different views on procedures and guidance was given by Rev Rose Westwood, District Assistant Chair. Peter did not accept this interpretation of procedures and sought a pause on decisions. Because of appointment time-scales this could not happen with only 3 days left for discussion.

12. Process for appointment of Presbyter for Bexhill Section
Members of the Invitation committee, which will be the Circuit Stewards and the reps from the 4 churches involved should keep week commencing November 8th free to receive any applicants. A draft profile has been submitted to the District Chair which was prepared by the Circuit Stewards with full consultation with all four churches concerned.

13. Treasurers Report.
Copies of the report had been circulated. Stephen took the meeting through the main issues and it agreed to the three recommendations within the report.
First Draft 2013/2014 accounts were accepted subject to audit and formal statements be sent to District without further reference to Circuit.
Second The Annual Report agreed by the Superintendent Minister and the Leadership Team be formally adopted and submitted to the Charity Commission with the accounts. Copies available from the Circuit Office.
Third The Reserves Policy was agreed
Park Road issue would be dealt with when this year's accounts finalised.

Connexional Funds
General Property: £1350
Support for Presbyters and Deacons £995
Methodist Ministers Housing £150

Overseas and Home Missions Funds
Totals contributed to year 31st August 2014
Oversees Missions £1763.14
Home Mission £542.44

A pack of papers was available for each church which contained the following:

a) Property Schedules - Return to Helen in the Circuit Office by the end of November or sooner. Every question must have something in the box!
b) Financial Schedules -return to Stephen by end of November or sooner
c) October Count forms - return these by November 8th to your own minister.
d) Copies of the Circuit prayer - please share it in your magazines or other publications.
e) Presidential Prayer Cards

14. Report from Local Preachers and Worship Leaders Meeting

David Hanson gave notice of training session - Saturday 8th November with Matthew Reed from the new Learning Network for the Southern and Islands Region, looking at training, development and the new course for worship leaders and local preachers that is coming. To be held at Rye Baptist Church.

15. Reports from Circuit Groups

a) MWIB - New Project this year raising funds for Dalits. £1200 was raised for last year's project.
Christmas Tree Festival at Calvert and the church would be open daily from 8th until 20th of December. Churches are invited to decorate a Christmas Tree.
b) Thinking outside the Box - Advent Workshops and Service at Christchurch November 30th
c) Winchelsea Chapel - 55 Visitors attended the National Heritage Open Day. The Wesley Tree is showing some signs of life. Harvest Festival is on the 27th September at 11.a.m. followed by Harvest Lunch. Come along and share the morning. Please consider becoming a "Friend" of the chapel for a small annual fee. Contact Barry Turnwell.
d) Centenary House - Improvements have been made including the addition of WIFI in September. Churches can use the facility at no charge and if you know of other groups who may be interested the cost is only £9 per hour yet Centenary House still contributes £3000 to the Circuit each year whilst covering all its costs. Any volunteers to act as a Treasurer!
e) MHA - Pat Griffiths the Manager is moving on to the role of a MHA Inspector and also James the Handyman Gardener has a new Job. Lauriston pre-Christmas sale 22nd November and a similar event at Richmond 29th November

f) Staplecross Methodist School - Thanks to the Circuit for providing Bibles to the 9 School leavers and ideas required for closer ties between the Circuit and the School. They will be exploring the Academy status of the school but still retaining the Methodist link.

sorted soon for Rye, Ninfield, Knebworth Road and Tower Road West manses. Quinquennials due in 2015: Holmesdale Road Manse; Little Common; Ninfield; Sackville Road and Centenary House. The District now needs a copy of all quinquennial reports. Ian will be writing to all local property secretaries to provide a copy of each. Trinity is in early stages of decorating and development which Stephen explained and will keep the meeting updated and a proposal for Holmesdale Road manse would come to the next meeting after new minister has had input.

17. Dates for Circuit Activities

Circuit Praise Services for the year - first Sunday of the middle month of the plan -October (5th) 6pm at Rye; 4th January 2015, 6pm at Sackville Road, 5th April, 6.30pm at Calvert, 5th July 6pm at Park Road.

Circuit Time of Prayer at St Helens - Saturday 2nd November from 10am

"Spirituality and World War One" - Ian is presenting a talk and a service on this. A worship service on Remembrance Sunday evening, 9th November at 6pm at Little Common; and a talk at Winchelsea on Saturday 15th November at 10.30am. Various musical evenings happening - Trinity 10th October 7.30 and Calvert 15th November.

Advent Bible Studies - Three sessions, morning ones at Centenary House on December 9th, 18th and 23rd; evening ones at the Emmanuel Centre on December 9th, 16th and 23rd.

**DATES FOR NEXT CIRCUIT MEETINGS:**

**TUESDAY 17TH MARCH AT PARK ROAD**

**TUESDAY 16TH JUNE AT CHRISTCHURCH**

**TUESDAY 15TH SEPTEMBER AT PETT**

The meeting closed with the sharing of the Grace.

# APPENDIX

**A Grievance Paper**
**Prepared for**
**Rev. Dr. David Chapam**

**Appointed by**
**The Methodist Connection**
**To consider possible Solutions**

**This concerns Rev. Rose Westwood BSc, Bth**
**As assistant Chair South East Methodist District.**

**The Grievance**

1. At a Hastings, Bexhill & Rye circuit meeting held in Sackville Road Methodist Church, Bexhill in September 2014, an item appeared on the Agenda relating to extending further the Superintendancy of Rev Ian Pruden in this Circuit. Having given the appropriate Notice, voting papers had been prepared for this item on the Agenda. I believe that Rev Rose Westwood who was in attendance had been invited to this circuit meeting by Rev Ian Pruden. When the item came up at the meeting, the superintendent vacated the Chair to Rev Peggy Heim, another circuit Minister. I was then invited to speak to the item.

2. Soon after I had started speaking, Rev Rose Westwood left her place in the body of the meeting, came forward waving a paper at me, speaking loudly in a fairly aggressive manner she said " it was an email from the District Chairman Rev John Hellyer that I was to be allowed only four minutes to make any comment about the item". That was disruptive to the process; however I tried to continue to speak to the meeting. In a bullying, threatening tone Rev Rose Westwood continued to shout aloud that I should leave the Podium. I said I would do so when I had been allowed to make my points for the meeting to consider. Rev Rose Westwood continued to arraige me and shouted to the Steward handing the sound system to "switch off my Microphone". At one point Rev West Wood placed herself on the podium shouting in my face to "Get down". I repeated that I should be allowed to address the meeting and should not be bullied in such a way. At about that point she told the chair of the meeting Rev Peggy Heim "to move to the next business as there was no case for that item to be discussed". That continued disruption by Rev Westwood caused the meeting to become in dis-array. I then stood down not having been able in a reasoned way to address the meeting.

3. At the close of the meeting Rev Rose Westwood in passing me said now in a restrained voice, "you should be ashamed and not sleep tonight, whenever your name is mentioned with colleagues, you are at the bottom of the pile". I asked which colleagues however she continued walking out of the meeting and did not reply.

HH2

I believe that the words, actions and behaviour of Rev Rose Westwood was bullying, intimidating and an abuse of her position as Assistant Chair of the District, particularly her waving the paper to the meeting claiming it to be from the District Chair Rev John Hellyer. She sought through this to persuade the circuit meeting that her speaking and acting in accordance with the instructions of the chair of the district. That I believe was a blatant and unwarranted abuse of her authority. Her attitude, speech and her behaviour were designed to humiliate, and disable me from speaking to the meeting and bully me into silence.

As speaking to me as she did when leaving the meeting was a further abuse of her position and designed to hurt and offend, using it appeared external conversations with colleagues in support of what she was saying.

Rev. Peter Timms, OBE MA
Methodist Minister

# APPENDIX

**A Grievance Paper**
**prepared for**
**Rev. Dr. David Chapman**

**Appointed by**
**The Methodist Connection**
**To consider possible Solutions.**

**This concerns Rev Ian Pruden,**

**Superintendent Minister in the Hastings, Bexhill & Rye Circuit**

**The Grievance.**

1. As my Superintendent in late 2014 he refused written request from me (hand delivered by me to his home) to meet with me to discuss my concern. His response was "make out a grievance".

2. Rev Ian Pruden's reply to me at a Staff Circuit meeting in 2014 was untruthful.

3. As the circuit's advisor to the South East District, in mid 2014 he gave incorrect advice to the then acting district Chair Rev. Dr Philip Luscombe. The result, in part, or in full, resulted that my application for a one year Ministerial appointment in this circuit was not, on the instruction of Rev Dr Philip Luscombe to be considered by the Circuit.

**Supporting Detail.**

If so required, this Grievance can be supported by documentary and other evidence.

**Re 1:-** I made a written request to Rev Ian Pruden for a meeting with him to discuss informally the difficulty, offering if he so wished for him to have present a third part. That request was refused and he has made no other proposal to meet with me.

**Re 2** :- On it becoming clear that my written application for the publicly advertised one year Ministerial Appointment in this Circuit may be in some difficulty, at a Circuit Staff meeting I asked Rev Ian Pruden if he as my Superintendent supported my application for this one year appointment. He hesitated in his reply, so I repeated the question, following a brief pause he replied, " the Churches don't want you". My look to him of questioning was followed by him saying a second time " the churches don't want you". I now know that to be untrue.

**Re 3:-** Rev Ian Pruden as this circuits principle advisor to the South East Methodist district wrongly advised the then acting District Chairperson rev Dr Philip Luscombe concerning my application to be considered ( for the one year Ministerial appointment), along with other applicants. This advice from Rev Pruden resulted in part, or in full, for the Rev Dr Philip Luscombe then giving instructions that my application should be totally disregarded.

The loss, public humiliation and damaging effect of these events listed above upon my Ministry in this circuit and my family has and continues to be the cause of unwarranted loss and unjust hurt. Evidence of this, if required will be provided.

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Rev. Peter Timms, OBE MA
Methodist Minister

# APPENDIX

J

J

**A Grievance Paper**
**Prepared for**
**Rev. Dr David Chapman**

**Appointed by**
**The Methodist Connection**
**To consider possible Solutions**

**This concerns Rev. Dr. Philip Luscombe MA**

**In his role as acting Chairman of the Methodist South East District**

**The Grievance.**

1. By ordering that this circuit should not entertain or consider in any way my application along with others for the one year Ministerial Post related to three churches in this circuit, Rev Philip Lubscombe disclosed an unreasonable and prejudicial attitude. This I believe was a questionable exercise of his authority, being unjust in all respects, and contrary to simple justice and fairness. His decision was also contrary to an earlier undertaking by the District Chairman Rev John Hellyer made to this circuit if, as they then did, put the vacancy out to public advertisement.

2. In a meeting with Rev. Dr Philip Luscombe at his office in Ashford, Kent, he said to me, "I have talked to colleagues, my mind is made up, and your job in this meeting is to change my mind". This position adopted by Rev. Philip Luscombe at the beginning of this meeting and throughout, I believe was unjust, unreasonable, and grossly unfair towards me. To report to this circuit that any other clergy person of any denomination sympathetic to Methodism could be considered, but that I was to be excluded from consideration. This in my view offends against natural justice and is contrary to 'Common Law'. To the best of knowledge Rev Luscombe did not seek or obtain independent validation of the advice given to him from this circuit, which suggests that his decision was made on issues unrelated to the application that I had made. Put simply, he pre-judged the matter when I questioned what he said he replied " you can use the Grievance".

**Comment**

By functioning in this prejudicial way as the then holder of the authority of the acting District Chair, Rev Philip Luscombe decision has caused damaging consequences towards me that he failed to properly consider. I believe he failed in his duty of care towards me by this questionable exercise of his authority and acted totally unfairly.

Rev. Peter Timms, OBE, MA
Methodist Minister

# APPENDIX

K
K

## Hastings, Bexhill and Rye Circuit Meeting, 16th September 2014

What follows is largely constructed from notes made at the meeting:

1. Having chaired the Circuit Invitation Committee in the summer, and in line with SO 5454 (a), I attended the Bexhill, Hastings and Rye circuit meeting on the 16th September 2014 particularly for Agenda item 9 (Recommendation from Circuit Invitation Committee re Superintendent to 2017).
2. Whilst the Reverend Peter Timms had contacted the Reverend Ian Pruden (Superintendent Minister) with reference to the latter's re-invitation, he did not at any point offer any objection to Ian's re-invitation in writing or otherwise.
3. The Reverend Peggy Heim wasto chair the superintendent's re-invitation and felt that it was appropriate to allow Mr Timms to speak, as her computer had been offline for several days prior to the meeting, and therefore she could have missed an email from him.
4. Mr Timms duly rose to speak and Ms Heim indicated that he would be allowed five minutes to offer the objection to the meeting in the case for the superintendent's re-invitation. Just before the allocated time was up, Mr Timms was asked to 'wind up' what he had to say. He refused and continued to speak at some length (I would guess that he exceeded 15 minutes in total). The chair of the meeting asked twice more that he should conclude during this period, but he refused.
5. The style of this speech was incoherent, the content seemed to comprise of two attacks against the previous Superintendent and the South-East District. I find it a matter of gross misconduct criticise publicly someone in their absence. Just at the end of this long speech, he did raise a matter of procedure which reflects his lack of understanding of the Stationing process.
6. Sensing growing unrest in the meeting, I indicated to the chair that I wished to reply to the specific points just raised. Mr Timms refused to move away from the microphone, continued to talk over me and at one point jabbed his finger toward my face and shouted into my face.
7. At some point whilst repeating that he had already had been given ample time to present the issues, I saw two members of the Circuit meeting beginning to move to the front. At this point Ms Heim asked them not to continue with their intended action. I asked the sound technician to turn the microphone off, until order could be established in the meeting.
8. When I was finally able to speak, I confirmed:

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a. that the Circuit Invitation Committee had followed the procedure as laid out in the guidance document issued for that year.

b. that we did not have 'all the time in the world' to decide who should be the new superintendent; Mr Timms clearly believed that there were other options to pursue, but seemed unaware that such options would have been discounted prior to this point in proceedings to allow for the stationing of a third minister as a matter of urgency.

c. I also stated that the Circuit meeting had other business to conduct and it was unfair to unduly prolong one item.

d. I advised the Chair and the meeting that since no objection had been raised with regard to Mr Pruden's invitation, the recommendation from the Circuit Invitation Committee should be received (that the Reverend Ian Pruden should be confirmed as the substantive Superintendent for the remainder of his current appointment).

9. I did not speak with Mr Timms at the conclusion of the meeting or walk away from him.

10. I am somewhat saddened that at no point since September 2014 has Peter contacted me by email or letter, or indeed spoken in person at Synod, or by telephone about this matter.

In view of the behaviour I witnessed in the circuit meeting which confirms earlier reports of bullying tactics within the circuit towards lay and ordained colleagues, I have yet to be convinced that a meeting with the Revd. Peter Timms would be productive at such a late stage.

Robert Sand

10th February 2016

# APPENDIX

L
L

**A response concerning the grievance against me from the Rev Peter Timms OBE MA**

1. Rev Timms states that in December 2014, following his request to meet with me to discuss his concerns, in a letter dated 27th November 2014, that I refused to meet with him and told him to take out a grievance against me. I did not refuse to meet with him. I replied (letter dated 11th December 2014) that I would meet him with a member of the District Reconciliation Panel and looked forward to hearing from him so we might set this up. It was my thinking a completely independent person might meet with us to help us find a way forward. Rev Timms replied to me in an e-mail dated 13th December 2014 that he was saddened that his anguish continued, in that I had declined his request to meet with him as his Superintendent. I did not refuse to meet with him. I did not reply he should take out a grievance at this point. I suggested that much earlier in 2014 when Rev Timms was deeply unhappy over my lack of support for his working with the four churches in Bexhill. He replied to me that consulting "senior Methodists" the complaints procedure was a "blunt instrument when looking for a resolution."

2. Rev Timms states that I have been untruthful to him concerning his wish to fill the vacancy in the Circuit which arose due to the departure of Rev Ian Wales on sabbatical in April 2014 and then leaving the Circuit in August 2014. I did not at the staff meeting he refers to, say "the churches don't want you." What I did say when pushed very forcefully by Rev Timms was, "some people will not warm to your style." I had had several confidential conversations from people in the churches voicing concern. I was asked for my opinion by Rev Timms. At a meeting in July 2014 when we were meeting Sackville Road stewards to plan pastoral oversight of them from September 2014 (Rev Timms had resigned his role of pastoral responsibility for them by then, his appointment of pastoral responsibility for Sackville Road was due to end in September 2015) several people asked if he would continue to take services. He replied that I did not want him here. I said at that meeting I did not say that and that he was welcome to be part of the Circuit as every other Supernumerary. My reply to him at the staff meeting he refers to was one of frustration on my part having been pushed by Rev Timms for an answer.

3. Concerning my giving the wrong advice to the Rev Philip Luscombe, it is true my colleague Rev Peggy Heim and I went to see Mr Luscombe to discuss Rev Timm's application for the vacant position in the Circuit. This was because I understood any Supernumerary taking pastoral responsibility had to be agreed by the Chair of the District. I did not in any way give false information to Mr Luscombe other than events described in the second grievance, that there were some local reservations. It was Mr Luscombe, as the Acting District Chair, who recommended Rev Timms' application not be considered. I believe Rev Timms asked Mr Luscombe whether he had received any bad reports about him, to which the answer was "no." If this is so, how then could I have given Mr Luscombe false information?

4. I would also like to say people who know me well and know my character will know that I would never cause through any action the public humiliation of anyone. It is not the way to behave.

Ian Pruden

Hastings, Bexhill and Rye Circuit Superintendent

21st February 2016

# APPENDIX

M
M

**Response [from Rev. Dr Phillip Lascombe] to the grievance or complaint lodged by the Revd Peter Timms, OBE.**

**Some preliminary issues:**

1.1 My sole role in this affair was as Acting Chair during the serious illness of the Revd John Hellyer. I needed to take an active role in the Hastings, Bexhill and Rye Circuit as my colleague, Revd Rose Westwood, was on sabbatical at the time when the Circuit was considering a 'ministerial' appointment.

1.2 As Acting Chair I dealt with the various questions and concerns that were raised with me according to the procedures laid down in Standing Orders, especially SO 791, 792 and 793. I took care to explain the importance of those Standing Orders in conversation with Mr Timms, and in a letter to him dated 4 June 2014. I also consulted widely but confidentially among District and Connexional colleagues taking care to consult those with specific experience of the Methodist stationing process and lay employment, as well as senior colleagues with pastoral expertise. I also consulted with the Chair, when he was well enough to be able to consider District matters.

1.3 In the 'Grievance', Mr Timms uses quotation marks to attribute two sentences to me. I did not make these comments, nor make any comments similar to the sentiments attributed in those quotations. In particular I would not have used the ungrammatical construction of 'you can use the Grievance'; nor do I understand what the phrase means. It does not represent any sentiment that I expressed during our meeting. It is worth remarking that in a letter of 4 July 2014, Mr Timms again attributed a number of expressions to me using quotation marks. Again these quotations bore no relation to my words or sentiments when we met. Because the letter had been widely copied I issued a formal note of caution to some of those I knew had received the letter on 7 July making it clear that I did not recognise Mr Timms version of events and that I had not spoken the words attributed to me.

**The specific allegations:**

The Circuit 'Ministerial' post

2.1 This 'grievance' talks of my 'ordering' the Circuit to take a particular course of action. This is fundamentally to misunderstand the role of the District as laid down in SO 792(2). This SO makes clear that the supernumerary minister needs the permission of the District Chair before the Circuit can make use of the supernumerary on a regular basis. The SO also speaks of the need for a detailed Letter of Understanding (LOU) and other conditions. I did not feel able to give permission to the Revd Timms for the following reasons (which I summarised in a contemporaneous note to John Hellyer):

2.1.1 This was a full time 'ministerial' appointment. If Mr Timms had been applying to return to the active work he would have been required under SO 973 to undertake a medical examination. I considered it reasonable to ask for a parallel procedure in this case, which the District would have arranged. The Revd Timms did not at any time ask me to arrange for this medical.

2.1.2 Despite the Circuit job being advertised as full time, Mr Timms made it clear that he regarded this as an administrative convenience and stated that he was quite sure that he could continue working with his present church, and in his new role as an MHA chaplain. I told him that we could not condone anyone of whatever age undertaking what is formally defined as more than a full time role.

2.1.3 The Revd Timms showed no sign of understanding the difference between the ministerial tasks which he had been performing alongside the ministers appointed to the Circuit for the last few [illegible] of ministers appointed to the Circuit by Conference. Indeed his whole

approach was along the lines that he had already been doing the task; and that it was therefore perverse of me not to recognise him as the same in all respects as the ministers formally appointed to the Circuit by Conference. His claim here is in direct contradiction to SO 792(3).

2.1.4 SO 972 speaks of the importance of a properly drawn up Letter of Understanding. In order to understand the details of Mr Timms current 'understanding' with the Circuit, the Revd John Hellyer had asked Mr Timms for his current LOU before his illness. I repeated this request several times, but no LOU was produced.

2.1.5 More intangibly, in my conversations and correspondence with Mr Timms, and in my pastoral contacts with members of the Circuit, I gained a strong impression that as he was incapable of understanding the difference between those working in the Circuit and those appointed to the Circuit by Conference and therefore bearing responsibility for the Circuit to Conference, Mr Timms was unlikely to be able to work as part of a team alongside those formally appointed by Conference.

For all these reasons considered severally and together I declined to give the necessary permission. The District Chair has confirmed to me that no prior undertaking was made by him at any time concerning this issue.

A meeting with the Revd Timms

3.1 The issues referred to in this item have largely been covered already. The passages in quotation marks were not spoken by me and do not represent my opinion at the time of the meeting or later. At the meeting I set out to Mr Timms the steps he needed to take in order to gain District approval to apply for the post advertised. My recollection is that he was unhappy with the procedure required by the Standing Orders, and frustrated that I felt that I must abide by the procedures laid down.

3.2 It was not the case that 'any other clergy person' could be considered. For any persons applying certain conditions would apply, for example, concerning their standing with respect to their own denomination. For a Methodist supernumerary the conditions would be exactly the same as those which applied to the Revd Timms.

3.3 No advice was ever sought by me or given to me by the Circuit concerning this issue.

3.4 Contrary to the allegations made in this paragraph I sought the best independent advice that was available within the District, and consulted with colleagues at each stage of the process.

3.5 As I have already stated above, I could not have uttered the words attributed to me in the final quotation.

Comment

4 An important part of the rationale lying behind SO 791-3 is the duty of care which the connexion owes to its supernumerary ministers. As I have explained above I took care to apply the SOs in this case. This was precisely because I was aware of my duty of care towards the Revd Timms. I also had similar duties of care to other parties involved.

**Final Note**

I consider a meeting with the complainant would not achieve a local resolution and would merely delay the final outcome of the complaint. My files, which include copies of the correspondence referred to above are available on a confidential basis to any appropriate enquiry team.

# APPENDIX

*Reverend Margaret E. Heim BA, MA, MDiv*
*Hastings, Battle and Rye Methodist Circuit*
*62 Tower Road West*
*St. Leonards-on-Sea TN38 0RL*
*01424 422 350*
*revmargheim@gmail.com*

Reverend Dr. David Chapman
The Methodist Church
Perrymount Road
Haywards Heath RH16 3DN

23 February 2016

Dear Reverend Dr. Chapman,

As per our telephone conversation this morning, I am responding in writing regarding the situations we discussed.

1. The staff meeting in my manse. At this staff meeting I witnessed Rev. Peter Timms using aggressive behaviour toward Rev. Ian Pruden. Specifically, he leaned forward and shook his finger in Rev. Pruden's face. Rev. Pruden pulled back slightly. I do not remember the words exchanged but when forced to answer Rev. Timm's question regarding support for him in the churches, I remember thinking Rev. Pruden's answer could pertain to any of us in Circuit ministry. That is, it was a very general statement such as: 'Not everyone would support you.' The response was rather mild considering the pressure Rev. Timms exerted on Rev. Pruden.

2. Circuit Meeting. Prior to the Circuit Meeting which was to confirm The Stationing Committee's recommendation that Ian be named as Superintendent of the Circuit, Rev. Timms informed us that he wished to challenge the recommendation. As I was to chair that part of the meeting I attempted to get the challenge in written form 48 hours prior to the meeting according to protocol. He did not comply. However, at the meeting Rev. Timms was allowed to speak. He was told prior to beginning to that he had 5 minutes. After 4 to 4 ½ minutes I asked him to finish his statement. He looked at me and said: 'No.' At this point I officially turned the chair over to Rev. Rose Westwood as per a prior agreement. We had agreed before the meeting that she would take the chair if things became difficult. Rev. Westwood was professional and firm in all her responses and behaviour. I have no recall of the sound system being turned off. I can say however, despite my hearing impairment, I had no trouble hearing Rev. Timms.

If you need further clarification of these statements or I can be of further help please do not hesitate to contact me.

Sincerely,

Reverend Margaret E. Heim

# APPENDIX

**The Central Sussex United Area of the Methodist and United Reformed Churches**
*Co Leader: Rev Dr David M. Chapman*
*Telephone: 01444 450473 email:davidm.chapman@btinternet.com*

*Co Leader: Rev John Gordon*
*Telephone: 01323 845360 email: revjohngordon@btinternet.com*

*Area Administrator: Mrs Lydia Goodchild*
*Telephone 01444 450473 email: lydia@csua.org.uk www.csua.org.uk*

*Central Sussex United Area, The Methodist Church, Perrymount Road, Haywards Heath, West Sussex RH16 3DN*

5 April 2016

Rev. Peter Timms OBE MA
16 Manor Road
Bexhill-on-Sea
TN40 1SP

Dear Peter,

**Complaints against Revs Ian Pruden, Dr Philip Luscombe and Rose Westwood**

Thank you for your patience since we met on 26 January whilst my work as local complaints officer has continued with regard to your complaints against each of the above named ministers. I am now in a position to report concerning this initial and informal stage of the complaints and discipline process.

Please find enclosed with this covering letter my report, dated 5 April, along with written statements by each of the respondents, together with your statements of complaint against each of the respondents.

You will see from my report that I have been unable to bring this matter to a local resolution. For the reasons given in my report, I have concluded that it would not be appropriate to refer these complaints to the Connexional complaints officer for a formal investigation.

However, under the complaints and discipline procedures of the Methodist Church you have 21 days from receipt of this letter to refer the matter to the Connexional Complaints Officer should you wish.

Yours sincerely,

David Chapman

Rev. Dr David M. Chapman
Superintendent and Local Complaints Officer

Encl.

Copy to Revs Ian Pruden, Dr Philip Luscombe, Rose Westwood, Alan Bolton (Connexional Complaints worker)

# APPENDIX

Confidential

**The Methodist Church South-East District**

**Report by Local Complaints Officer Regarding**
**a Complaint within the Hastings, Bexhill and Rye Circuit**

**Background to Report**

This report, produced by the local complaints officer, addresses three related complaints made by Rev. Peter Timms, the 'complainant' (a supernumerary presbyter in the Hastings, Bexhill and Rye Circuit), against Rev. Ian Pruden (Superintendent), Rev. Dr Philip Luscombe (then Acting Chair of the South-East District) and Rev. Rose Westwood (Assistant District Chair), the 'respondents'.

In order to avoid misrepresenting the complainant or any of the respondents, this report does not cite, summarise or interpret their written statements. The reader is directed to the statements filed with this report. Any other relevant correspondence has been sent to Rev. Alan Bolton, Connexional complaints worker, for safekeeping and future reference, should this be necessary.

**Process Followed**

In accordance with the provisions of the Complaints and Discipline procedures of the Methodist Church, I determined my own procedure for this initial and informal stage of the complaints process. I met with the complainant at his home on 26 January 2016 and subsequently obtained a written statement of his complaint against each of the respondents.

I established that the nature of the complaints meant it was appropriate for me to consider whether it might be possible to achieve a local resolution. I then met with each of the respondents individually and obtained their written statements. When it became evident that a local resolution could not be achieved (see below), I obtained a witness statement from Rev. Margaret Heim, who was present at both the ministerial staff meeting and the circuit meeting that gave rise to two of the complaints.

**Efforts towards a Resolution of the Complaint**

I invited the complainant to meet with each respondent individually in the presence of the local complaints officer and a member of the District reconciliation panel for the purpose of achieving a resolution to the complaint. In turn, I made the same invitation to each of the respondents.

The complainant accepted this invitation in order to secure 'justice' and with the expectation that such a meeting would lead to an acknowledgement of wrongdoing by the respondents and a firm proposal for recompense for the distress caused to him and his family. Each of the respondents declined to meet with the complainant for the following reasons.

Rev. Ian Pruden declined to meet with the complainant on the grounds that he had previously offered this opportunity to the complainant, who had declined. Mr Pruden provided documentary evidence in the form of an exchange of emails.

Rev. Rose Westwood declined to meet with the complainant on the grounds that he had made no attempt to raise the matter with her during the 18 months since the circuit meeting in question and that such a meeting at this juncture would not now serve any useful purpose.

Rev. Dr Philip Luscombe, as the minister in oversight of the South-East District at the time, was willing, in principle, to meet with the complainant but also declined a meeting on the ground that it would not achieve a resolution but would merely delay the outcome of the complaints process.

In addition to these reasons, the respondents individually declined to meet with the complainant as part of a process of reconciliation on the grounds that their words and actions have been seriously misrepresented by the complainant (in some cases in written correspondence with third parties), who thereby demonstrates his unwillingness to enter into such a process in good faith.

Therefore, since it has not been possible either to arrange meetings between the complainant and each of the respondents or to suggest an alternative way forward, I have been unable to achieve a local resolution to these complaints.

**Outcome of the Initial Stage of the Complaints Process**

It is not for a local complaints officer to determine the merits of any complaint, but in deciding whether or not to refer complaints of this kind to the Connexional complaints officer to be addressed formally, he or she has a duty to consider three questions. (1) Is there sufficient evidence to establish a *prima facie* case for a respondent to answer? (2) Is it in the interest of natural justice for the complaint to be addressed formally by the Methodist Church? (3) In what circumstances is it proportionate to ask the Methodist Church to adjudicate on the disputed interpretation of events, including private conversations among officeholders, concerning matters of governance where no verbatim record is available?

Having carefully considered the written statements by the complainant and respondents in light of these questions, and mindful of the sensitivities involved in cases of disagreement, I have decided not to refer any of the complaints to the Connexional complaints officer for the following reasons.

Concerning the complaint against Rev. Ian Pruden, the witness statement by Rev. Margaret Heim offers a substantially different interpretation of events at the staff meeting in question. This account does not support the complainant's version of events. I conclude that there is no *prima facie* case for the respondent to answer.

Concerning the complaint against Rev. Rose Westwood, the witness statement by Rev. Margaret Heim offers a substantially different interpretation of events at the circuit meeting in question. This account does not support the complainant's version of events. I conclude that there is no *prima facie* case for the respondent to answer.

Concerning the complaint made against Rev. Dr Philip Luscombe, this refers to a conversation in which no third party was present. Dr Luscombe does not accept the complainant's version of that conversation and questions his understanding of the governance processes behind the conversation. Having read the relevant papers in conjunction with the Standing Orders and procedures of the Methodist Church, I conclude that there is no *prima facie* case for the respondent to answer.

In all three cases, I conclude that it is neither in the interest of natural justice nor proportionate to the matters in dispute to ask the Methodist Church to address these complaints formally.

**Complainant's Right to Refer the Complaint**

I have informed the complainant by covering letter that he is entitled to refer his complaints to the Connexional complaints officer within 21 days of receiving this report.

*Rev. Dr David M. Chapman*
*Local Complaints Officer,*
*Superintendent of the Central Sussex United Area*
5 April 2016

# APPENDIX

**Veronica Timms**

**From:** Alan Bolton [boltona@methodistchurch.org.uk]
**Sent:** 06 April 2016 15:48
**To:** Veronica Timms
**Subject:** COMPLAINT

Dear Mr. Timms,

The Revd Dr. David Chapman, acting in his capacity as local complaints officer in relation to your complaints against the Revds. Ian Pruden, Rose Westwood and Dr. Philip Luscombe, has informed me that the complaints have not been resolved but he has declined to refer them to the connexional complaints panel. As I know he has informed you, you have 21 days in which to exercise your right to refer your complaints to the connexional panel. You can do so by informing me of your intention, either by email. or by letter addressed to me at Methodist Church House, 25 Marylebone Road, London, NW1 5JR.

Given that Dr. Chapman wrote to you yesterday (5 April), and allowing two days for the letter to reach you, the deadline for you to make a referral is 28 April.

Yours sincerely,
Alan Bolton

**The Revd Alan Bolton** | Complaints Worker
The Conference office | The Connexional Team
+44 (0)20 7467 3767 [Direct Line]

**The Methodist Church**
Methodist Church House, 25 Marylebone Road, London NW1 5JR | +44 (0) 20 7486 5502 [Reception]
www.methodist.org.uk Registered Charity no. 1132208

# APPENDIX

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

7 April 2016

Lydia Goodchild
Central Sussex United Area
c/o Haywards Heath Methodist Church
Perrymount Road
Haywards Heath
West Sussex

Without Prejudice.

Dear Lydia,

I do not know if you are aware that I am in dispute with the Central Sussex United Area over a matter which may escalate over the next few months. I seek to secure evidence so that there can be no suspicion that any evidence subsequently requested has been tampered with or destroyed.

I approach you because you have pastoral responsibility for the Methodist churches in Bexhill, Christchurch (Springfield Road) and Sackville Road and Little Common and Ninfield churches. As administrator, the records of the entire area should come to you as a central file and you are responsible for them.

I attended a Bexhill, Hastings and Rye meeting on 16th September 2014 at which certain statements were made which I wish to ensure are on the record. I know from information supplied by the Rev. Rose Westwood that notes were taken of what transpired at this meeting. I would have preferred it if a recording had been taken, but I now require as complete a note as possible of what was said and done at the meeting. As a minister, I believe I have a right to a copy of all notes taken.

To this end, could you please supply me with: RR2

(i) The minutes of the meeting.
(ii) The name of the person taking notes and preparing the minutes of the meeting.
(iii) If there are no extant minutes, a complete copy of all the notes that were taken.
(iv) If there are no minutes, an explanation of why no minutes were prepared.
(v) A list of all participants in the meeting so that the detail of the notes and the extent of them might be considered, and further evidence taken from such persons.

Persons who may know more about the documents involved include:

Rev Ian Pruden
Rev Patricia Williams
Rev Margaret E. Heim.

I would like you to seek assurances from the above persons that the notes which they supply, should this be your prime source, are complete. I would like your assurance that you have requested such confirmations.

I trust that you will reply to this letter within ten working days of receipt.

Yours sincerely,

.....

Rev. Peter Timms O.B.E. tel:01424214967
mobile:07708781025
email: member@veronica32.fsnet.co.uk

# APPENDIX

**Veronica Timms**

**From:** Alan Bolton [boltona@methodistchurch.org.uk]
**Sent:** 06 April 2016 15:48
**To:** Veronica Timms
**Subject:** COMPLAINT

Dear Mr. Timms,

The Revd Dr. David Chapman, acting in his capacity as local complaints officer in relation to your complaints against the Revds. Ian Pruden, Rose Westwood and Dr. Philip Luscombe, has informed me that the complaints have not been resolved but he has declined to refer them to the connexional complaints panel. As I know he has informed you, you have 21 days in which to exercise your right to refer your complaints to the connexional panel. You can do so by informing me of your intention, either by email. or by letter addressed to me at Methodist Church House, 25 Marylebone Road, London, NW1 5JR.

Given that Dr. Chapman wrote to you yesterday (5 April), and allowing two days for the letter to reach you, the deadline for you to make a referral is 28 April.

Yours sincerely,
Alan Bolton

**The Revd Alan Bolton** I Complaints Worker
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www.methodist.org.uk Registered Charity no. 1132208

# APPENDIX

TT

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

Rev. Dr. David M. Chapman
The Central Sussex United Area
Methodist and United Reform Church
Haywards Heath Methodist Church
Perrymount Road
Haywards Heath
West Sussex
RH16 3DN

WITHOUT PREJUDICE.
CONFIDENTIAL.

Dear David,

Thank you for your reply dated 14th April 2016.

I am sorry that you do not recall saying the word "dysfunctional" in any context. I recall it very clearly and my wife, who, you will recall was present for much of our discussion is fully aware that you used that word.

Please check your notes of this conversation, I feel sure that you will then recall that you used the word – if only in the sense that you were quoting someone else.

I trust that you will respond to this letter within the normal ten working days.

Yours sincerely,

.....
Rev. Peter Timms O.B.E. tel:01424214967 mobile:07708781025
email: member@veronica32.fsnet.co.uk

# APPENDIX

UU

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

Rev. Dr. David M. Chapman
The Central Sussex United Area
Methodist and United Reform Church
Haywards Heath Methodist Church
Perrymount Road
Haywards Heath
West Sussex
RH16 3DN

WITHOUT PREJUDICE.

Dear David,

Further to your letter of 5th April. You state that under the complaints and discipline procedures of the Methodist Church I have 21 days from receipt of your letter ( 6th April 2016) to refer the matter to the Connexional Complaints Officer.

I would like further clarification. I had understood that the 21 day limit only applied to the church court – and contrary to your explanation of it to me, the 21 day reference meant that any hearing could not take place until at least 21 days after the reporting officer had supplied the respondent with all relevant documents.

Could you please furnish me with details in the standing orders concerning the time limit you mention?

Further, you will recall that we had a meeting in my house when we discussed this matter. Could you send me a copy of the notes you took of that meeting?

Please note that I requested that you refer this matter to the Connexional Complaints Officer. I have been reluctant to follow your advice in taking the case to him myself because I understand that if I alone refer the matter, this later curtails my right of appeal.

Yours sincerely,

# APPENDIX

16, Manor Road
BEXHILL ON SEA
East Sussex
TN40 1 SP

Rev. Dr. David M. Chapman
The Central Sussex United Area
Methodist and United Reform Church
Haywards Heath Methodist Church
Perrymount Road
Haywards Heath
West Sussex
RH16 3DN

WITHOUT PREJUDICE.
CONFIDENTIAL.

Dear David,

I have further considered your letter to me of 5th April and believe there may be a way forward without bothering the Connexional Complaints Officer as you suggested. I believe that if we progressed with on a basis of mutually-agreed ground rules, we might settle the affair peacefully.

Your letter disturbed me greatly, for I fully expected a different response. The divisions that the circuit meeting in question produced have, I fear, clouded the better judgment of some of those involved.

In the spirit of conciliation between all the parties in this matter, I think it might be advisable, and do no harm whatsoever, to begin the procedure over again, but in a more conciliatory and orderly manner.

I suggest that you and one other (as a witness or note-taker) re-visit the face to face meeting with me.

I further suggest that you hold such face to face meetings with the other three main parties involved in the complaint.

Face to face meetings are important. I fear that simply re-visiting the signed statement approach may not be sufficient for our purpose. The meetings should not simply ask for a statement; questions should be posed, where necessary, to elicit the truth of what actually happened at the meeting in question.

I think that extensive notes should be taken of what transpires at such meetings and that these notes then be written up as statements for the various parties to sign.

Should any person, on either side of the matter, wish to take legal advice or have a legal representative present, they should be allowed to so do. They should also, if they desire, be allowed to have someone as a witness to such meetings as are arranged.

Each party in the dispute should have a fair opportunity to comment on the statements made by the others, and on any documents that anyone produces. They should be given ample time to give a response.

I make this offer to you in a spirit of conciliation. I hope you will agree that the ground rules I have presented here will be seen as logical, just and fair to all.

I believe that the heat generated by the arguments at the meeting in question have disturbed the peace of the local church community and that this should be addressed, not by further argument and aggression, but by an approach based in a desire for peace.

As the complaints officer for the region, I feel that you will be happy to re-consider the way things have gone and that you will seek, with me, conciliation in this matter. I am sure that no one wishes escalation in the dispute and I hope you see it as a part of your responsibilities to effect conciliation if such is possible.

I trust that you will respond to this letter within the normal ten working days.

Yours sincerely,

.....

Rev. Peter Timms O.B.E. tel:01424214967 mobile:07708781025
email: member@veronica32.fsnet.co.uk

# APPENDIX

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# APPENDIX

**From:** peter.hill@raybrook.co.uk [mailto:peter.hill@raybrook.co.uk]
**Sent:** 04 December 2016 10:26
**To:** Alan Bolton
**Subject:** Re: Rev Peter TImms

Dear Alan,

I do not know if the news has got through to you yet – Peter Timms is back in hospital having collapsed on Saturday.

Whereas I previously thought that his illness was not associated with the complaints, my mind is now moving towards that view. I spoke with him on Friday. He was upset about something.

I think I told you on the phone how shocked I was to see, some weeks ago, the amount of work he was doing on the complaints and his unusually violent reactions to certain matters associated with the inquiry. As you know, I undertook to type out his complaints – and I was surprised at the depth he went to in writing them. It was a lot of work. I am not sure that he will be able to carry on with them and I think that causes a problem.

Peter has always told me that what he wants is a reconciliation meeting. The three persons concerned have refused such. Last Friday, just before his collapse, Peter said that he thought that Rev Luscombe might attend such a meeting. He was going to mention it to someone, perhaps you. His reasons for this were that he thought Rev Luscombe had been given false information and was generally innocent of major wrong-doing.

I don't know if this is so, I do not know these gentlemen. But your system of reconciliation might give Peter the relief that his health requires.

If I can act as an intermediary in this, please do not hesitate to use me. He is very emotional about this issue, but I intend talking to him firmly about this when he comes out of hospital this time.

-Peter Hill

# APPENDIX

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110416
Dear Peter

Many thanks for your message and hope you are feeling more settled at home.

The team has decided to go ahead with the other interviews as planned and hope you will be fit enough to join us.

We totally understand that your medical tests should take priority and you will need to accept appointments offered.

In fairness also to the respondents we need to proceed at a reasonable speed but you are probably the only person who can decide whether you are fit enough to attend.

With my letter to you dated 12 September 2016 I explained the Team's procedure which may include some or all of the following:

- considering written statements from the parties and any witnesses or any other person who appears able to help us.
- giving you an opportunity to explain your version of events.
- inviting further information in order to obtain a complete picture from you.
- explaining that you may wish to obtain legal advice before signing a statement or producing documents.
- orally summarising the key points identified.
- explaining what happens next in the complaints process.
- making a note of the meeting with you and with others. These notes will be confidential to the Team.
- preparing a report and submitting it to the Secretary of the Conference.

At the beginning of an interview it is our normal practice for the lead member to summarise the Team's understanding of the complaints and any key points which have emerged during our
preparations. This approach means that we can focus on the key issues and seek evidence to corroborate what has been the subject of a complaint.

We then invite whichever party we are interviewing to present their version in a way that does not repeat what is already in the complaint papers. Time is of the essence so we need to gather information which bears directly on the complaint. We have

set aside about two hours for our time with you and each member of the team will be asking questions.

My suggestion is that we allocate 10 minutes for you to present your complaints and up to 5 minutes at the end for you to summarise your position. From experience this is a fair amount of time for the Team to undertake its work.

At the end of the interview, the lead member will summarise the next steps in the complaints process.

If you have suggested other people to hear from, then we need to decide whether to interview them or accept from them a written statement.

We therefore look forward to meeting you, as arranged, at **9.30am on Tuesday 15 November 2016** at the Best Western Lansdowne Hotel, King Edward's Parade, Eastbourne, BN21 4EE.

There is much more work the team need to do so by **5.00pm today,** please would you:

- Inform me whether you will be accompanied by a member of the District Complaints Support Group OR a friend (and their names and contact details)
- Inform me whether you will be represented (and their name and contact details)
- Advise me whether there are other people you think may be able to help us (and their names, contact details and why we should hear from them) so that we can consider contacting them for a written statement. We may also need to interview them.
- Sign and return the written undertaking previously sent to you.

My best wishes

Chris

Chris Kitchin
01707 332 470 | 07778 751 381

# APPENDIX

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[redacted]

Dear Peter

Thank you for your letter of the 4/7/14, Chris & I are sorry to hear that you will no longer be our minister after 24th Aug 2014. Obviously this is going to put the other 2 ministers in an even greater "Pickle" than already exists and hope you will be able to help as a supernumerary. We will need to call a stewards meeting to discuss what we need to do next, as we are all rather inexperienced at dealing with these matters. We would like clarification about who will be in charge of Sackville Rd after the 24/8/14.

We thank you for keeping us informed of your reasons and we hope that this will not sour our Christian friendships, wishing to worship & serve the LORD as best we can.

With love

[redacted]

**Veronica Timms**

**From:** [redacted]
**Sent:** 27 July 2014 08:32
**To:** Peter Timms
**Subject:** You!

222

Dear Peter
Just got back from holiday yesterday to hear the news of your resignation and a little of what surrounds it.
I just want you to know that I feel so upset to hear this, and just can't understand it. For me, you can be our minister any day.
I hope we can get to the bottom of all this and find out who it is who feels they have the authority to speak for all of us at Christchurch.
God bless
Love [redacted]
Sent from my iPhone=

[redacted] ZZ3

18 September 2014

Dear Peter

I am writing to applaud you for speaking out boldly at the Circuit meeting this week. You have every right to feel a deep sense of injustice about the manner in which the Circuit Team dealt with your offer to act as caretaker minister for the three Bexhill churches over the next year.

There is very considerable support for you throughout the local methodist congregations and a real feeling of resentment, and indeed anger, towards the Superintendent Minister and his supporters. What a missed opportunity to bring about a common sense solution to the Circuit staffing problem, that would have been welcomed by all at grass roots level.

Although I do not have access to all the background details and information, I am inclined to think you might well have been the victim of a conspiracy. The very unexpected and prompt departure of Ian Wales could have been recognised as an opportunity by an ambitious minister to take over the local Superintendency role and you might have been considered a threat (?). Hence the desperation to try and find something within Standing Orders to justify decisions taken by the Circuit Team.

May I assure you and Veronica that there will always be a very warm welcome for you both at Christchurch. and we do hope you will be on the Plan to lead our worship as often as possible.

Kind regards and every blessing for the future,

Peter

[redacted]

4

**Veronica Timms**

**From:** P[redacted]
**Sent:** 28 July 2014 16:52
**To:** Veronica Timms
**Subject:** Re: Peter

224

Hello Peter

I have to confess I have heard various rumblings since the news of your departure was announced which is why I particularly wanted to let you know how much I have appreciated your ministry & your kindness.

I do find it hard to believe that Christians can behave in such an un-Christlike manner but then on the other hand, I realise Satan is still very much at large and desperate to win the war - which of course he never will but am sure he gains much pleasure in causing as much disruption as possible!

I trust you will be able to rise above all the upset and find other doors opening for you & hope to be at your last service at Sackville Road.

With my love and prayers

P[redacted]

# ADDENDUM 1 to Set Aside Motion delivered to Methodist House 27th January 2017.

## Concerning line 50 of the decision of the panel and lines 268 & 269.

### LIES AND DECEPTION?

Line 50 of the decision states;

*"the apparent behaviour of the complainant is also a matter for enquiry."*

In reply to my letters of 7th and 11th October, on 15th October the leader of the panel wrote in an email:

*"You asked whether your conduct is under investigation. I cannot answer that question until we have heard from others.*[1]*"*

The decision that my conduct was under investigation had been taken (line 50) in early September – six weeks before this email. The full investigation began after that.

Why then did the panel leader not say the panel was investigating me in his email of October 15th?

Was he deliberately withholding this information?

Why would he do that?

Or is the true reason that in mid-October he *still did not have sufficient evidence* to back up line 50? Is that why he needed to 'hear from others'?

One statement or the other must be true. Either the panel had enough evidence to substantiate the decision behind line 50, or it did not.

Was a full investigation actually undertaken in the hope that I would provide the evidence for line 50 *in later exchanges* – particularly if I were treated badly, to the point where I might lose my temper?

Was this the plan to get condemnatory evidence?

One possible means of enraging me to prove a point may lie with the fact that during that period I was being coerced into signing a confession.

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[1] Appendices to "set aside motion" App G

If the panel leader obtained such a confession, he could to cover up the original source for the allegation in line 50. I shall return to this aspect of the affair in a later addendum.

There is further evidence that the statement in the letter of October 15th was indeed a lie. It lies later in the panel's decision.

I refer to the "undertaking" (line 770ff) which was sent to me early in September. *(I shall later present an addendum on the timing of this.)*

Line 775:
(The panel) "*has determined, in accordance with Standing Order 1157, that there have been several breaches of confidentiality by me.*"

This verifies the truth of line 50 - that the panel *had already decided the matter at the beginning of September* – even before it first contacted me i.e. during the initial stage.

Thus, the leader of the panel knew in early September that my behaviour was being investigated, yet in mid-October he did not tell me this when questioned directly about it – and indeed he denied the truth of the suggestion.

I should like to have it clarified why the statement of 15th October was not a lie. I cannot believe a true Methodist would be guilty of lying. However, on the present evidence, I see little alternative.

S.O.1100 (3 v) states:

*"The process should be fair."*

Telling a lie is not fair. This letter appears to be a breach of S.O. 1100.

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A further lie?

The panel refers to the "undertaking" at line 268:

*"The complainant refused to sign the undertaking. This did not disadvantage him as there were no new documents which could have been provided."*

This is captious and akin to telling a lie. It is a cover-up.

There were several documents and other pieces of evidence which I asked the panel for help with. Among them was the email produced by Rev Westwood at the meeting of September 16th 2016. This was central to the investigation of the manner in which that meeting was

organised – the main point of my complaint against Rev Westwood. It was a document that the Methodist Church owned and which I should have had access to. I even asked the panel if I might approach Rev Westwood for a copy. All of this fell on deaf ears.

I also wished to approach witnesses – the "undertaking" affair blocked me from doing this. Further I asked for a copy of S.O. 1157 – and again, was ignored.

Line 269 refers to "new" documents. This is deceptive. Standing order 1100 (3iv) does not contain the word "new" and it is not restricted to "documents" either. My requests for help were legitimate, but were either ignored or denied.

I was seriously disadvantaged by the panel's refusal to help me in these matters. The action of the panel was a breach of S.O. 1100 (3 iv):

*"help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process;"*

Lines 268 & 9 are deceptively attempting to cover this up.

# ADDENDUM 2
## to Set Aside Motion delivered to Methodist House 27th January 2017.

Concerning line 50 of the decision of the panel.

### COERCION TO INDUCE THE COMPLAINANT TO SIGN A FALSE CONFESSION.

This paper concerns the matter which may have promoted the apparent supposed "lie" detailed in Addendum 1.

The panel leader expressed anger with my behaviour, in that I failed to sign a document which I considered to be a false confession.

**This document, and the panel's insistence that I sign it, made the proper conduct of this inquiry impossible. The blame for all subsequent problems lies with this document and with the leader of the panel**.

The inquiry contacted me in early September 2016, demanding that I admit that I had committed a breach of confidence and thereby a breach of Standing Orders. It was the first time the panel had contacted me.

I was unaware of the source of the information behind this demand; I was not asked to explain anything. I had no idea what the supposed breach might be.

I was further confused because the document referred to me as the *respondent* in a complaint made against me. I had no knowledge of such a complaint (line 772).

This did not follow Standing Orders regarding complaints.

I defy anyone who reads this document (line 770 onwards) to see it in any way other than it being a confession. There was no sign of good faith in this. Further, I was later threatened with the withholding of help under Standing Orders - I was being coerced into signing it. The "undertaking" in full is at line 770.

As an example of the iniquity of it, I refer, as just one example, to the words:

***"I understand that the Connexional team has reviewed the evidence it holds and has determined, in accordance with***

***Standing Order 1157, that there have been <u>several breaches of confidentiality by me</u>."*** *(my underlining)*

I was expected to sign this.

This was nothing less than a requirement to sign a confession to a breach of Standing Orders of which I knew nothing and to which I had not been granted opportunity to reply, to contradict or otherwise to defend myself against. I had no knowledge of having breached any Standing Order.

This document should have no place in any Methodist Church archive. <u>It should be repudiated immediately.</u>

S.O.1100 (3 v) states:

*"The process should be fair."*

Forcing a complainant to sign a confession without him even knowing what the facts of the accusation are, is not fair – and is in breach therefore of S.O. 1100.

The threat that accompanied this, and introduced the coercion, was eventually carried out (line 256). The panel refused to send me any further documents, further information or help, because I would not sign the document. This was coercion.

This withdrawal of help is contrary to Standing Order 1100 (3 iv):

*"help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process;"*

There were other examples of breach of this Standing Order in the course of the inquiry which I shall detail in later addenda.

What should the reaction be of someone who is being coerced into signing a false confession, without even knowing the detail of what the confession concerns, never mind not being granted a right of reply?

My response to the demand was explained in several letters, particularly in my early letter to Mr. Kitchin dated 4th October:

*"Further, your suggestion that I sign a clause of confidentiality is unnecessary, since I am already governed by S.O. 1104. Your addition of a confession by me to having already breached confidentiality is inaccurate, and indeed unworthy of you. It is prejudicial to the outcome of this inquiry."*

The panel ignored this.

The first demand to sign the "undertaking" was in early September. This demand that I sign the "undertaking" was still being made in early November.

This was a month *after* I had confirmed I would not breach confidentiality in my letter of October 4th.

Why would the panel do that?

I suspect that any neutral person reading this will agree that, rather than attempting to undermine and bully the panel, ( lines 285 & 297) my response of affirming confidentiality was reasonable. However, my position on confidentiality was ignored.

The panel (line 297) accused me of bullying – surely this determination to get a confession from me was beyond bullying? I can find no Standing Order concerning this – I suspect because it is unthinkable.

The panel defines the term "bullying" (line 808) as being behaviour which causes harm or distress to the target over a prolonged period of time. This coercion caused me serious distress – I was twice taken into hospital with a stress-related illness during the period when it was going on.

What should the reaction be of someone being coerced into signing a false confession without even knowing the detail of what the confession concerns?

S.O.1100 (3 v) states:

*"The process should be fair."*

Coercing a complainant to sign a confession without explaining in the slightest why the confession should be made, is contrary to S.O. 1100(3 iv).

I refer you to cpd vol 2 Book Seven, Guidance:

*"Whilst it is expected that any response be respectful and welcoming, no local church body, minister or lay person is required to act in any way contrary to the demands of conscience. The Conference trusts that at all times all those responsible will seek to act together with integrity and in good faith."*

And to S.O. 1100 (3 vii):

*"there should be a means of correcting any errors which may be made."*

# ADDENDUM 3
## to Set Aside Motion delivered to Methodist House 27th January 2017.

(Concerning the decision of the complaints panel in the complaints against Rev Pruden, Rev Westwood and Rev Luscombe.)

This addendum concerns Line 185.

**The panel used unacceptable forms of questioning in order to procure self-incriminating statements from the complainant.**

Line 185 states:

*"The complainant then presented a paper which proposed his own immediate appointment as acting superintendent."*

Presumably this information is derived from the letter from Rev Ian Wales referred to in line 205.

This line relies on a technique I have called "the false premise" in my second stage grievance against Rev. Luscombe.

If this is the source, I recall the incident well. The document referred to was not given to Rev Wales, but to Rev Hellyer. At that time Rev Wales was ill. My note suggested to Rev Hellyer that I help Rev Wales in his duties as Superintendent whilst he was ill. This was not an "acting" role, nor in any way a full time role. The best that it could be classified as would be an "assisting" role. I was merely "helping out".

Since I was eventually accused of requesting to be made Superintendent, we can see the "ramping up" technique which I earlier noted, in my longer grievance against Rev Luscombe, under the heading "False Premise".

In this present case, what began as "short-term assisting" the Superintendent , was then re-defined as "acting Superintendent" and then later was "promoted" to "full time Superintendent".

I note that the panel does not appear to have requested sight of the original note, which would be "best evidence". As elsewhere, the panel seems to prefer to accept hearsay evidence rather than look for the best evidence.

In fact, the panel cannot have documentary evidence to back up line 185. It does not exist and it never did.

At line 196 the panel lists the documents it considered in this complaint. There is no documentary evidence from Rev Hellyer. If the source of line 185 is indeed the letter from Rev Wales ( line 205), then

the allegation in line 185 is Rev Wale's account of what he was told or shown by Rev Hellyer.

What occurred later with this putative accusation is akin to the technique against me by the "undertaking" – explained in Addendum 2. In effect I was being asked in a deceptive manner again to agree to facts which were not true. This occurred when the matter was addressed in a letter sent to me by Mr. Kitchin, dated November 24th 2016 (U4 in the appendices to the set aside motion)

The panel sent me a list of questions that it wished to be answered *within a set time limit.*

The standard of questions put to me did not come up to the required standard for such proceedings, and not up to the standard of S.O.1100 (3 v) which states:

*"The process should be fair."*

To explain the deception that the panel was attempting, consider the way in which questions may be put to someone in such circumstances. (I refer you also to page 17 of "Positive Working Together" on not using trick questions.)

TYPES OF QUESTION:

There are many types of questions which are used in tribunals.

THE OPEN QUESTION:

This leaves the person being questioned with the ability to reply in any way he or she wishes. Such as *"how are you today?"*

THE LEADING QUESTION

This is often typified by the phrase *"I put it to you that.. "* with the questioner's hypothesis of an incident coming next.

The person being questioned can deny the hypothesis, but the questioner nevertheless may introduce doubt in the mind of a judge or jury.

Stronger than the leading question is:

THE YES - NO QUESTION.

This promotes a version of the truth by polarisation coupled with a demand that an answer confirm the truth or denial of it.

A typical question of this category might be *"Did you do it – yes or no?"* Respondents often have trouble with this type of question, for there are sometimes a variety of possibilities in which the truth might be found.

THE LOADED QUESTION.

The loaded question is often typified by *"when did you stop beating your wife?"*

The example is a common joke amongst lawyers of something that should never be done because it is unfair. *It resorts to trickery.*

This type of question has, inside it, an accusation, or affirmation of a fact, but the *actual response* demanded is *to something else in the question.*

Thus in the "wife" example the *question* is "when" – the *assertion* is that the person being questioned *has actually beaten his wife.*

Loaded questions are typically used to trick someone into implying or affirming something they did not intend to accept or admit to.

To make them more disguised, loaded questions are sometimes preceded by an open question.

Although there is no specific judicial ruling to stop their use, they are invariably objected to and not allowed by tribunals.

This panel used several of these types of question during the many exchanges.

However, in particular, I point to the questions put to me on page 4 of the letter sent by Mr. Kitchin on 24th November 2016. This is listed in the appendices to the "Set aside Motion" as app U4.

*"What were your reasons for thinking you could take on the Superintendency when you already were committed to both Sackville Road and MHA?"*

This loaded question pre-supposes that I thought *I could take on the Superintendency* – and that I had stated so either in public or to someone involved in the inquiry.

It further pre-supposes that, in doing so, I had stated that I could also carry on with a commitment to Sackville Road and the MHA.

I had made neither of these two assertions. Indeed it is highly *improbable* that an eighty-year old man would suggest such.

The only possible answer to this loaded question is to state *"I deny the assumptions in this question"*. That is not answering the question, but questioning *its basis*. The second trick in this sentence is that the charge might then be made that I refused to answer the question.

In this example, the person *asking the question* is likely to get an answer that is useful to him - no matter what the response.

This was a very tricky question by Mr. Kitchin which was clearly designed to trap me into a false statement.

A later loaded question on the same page is:

*"Why were you unwilling to undertake the specified procedure in S.O. 793 for supernumeraries wishing to return to the active work?"*

(S.O. concerns supernumeraries applying to return to the active work and the medical examination necessary)

There are two presumptions, or false premises, in this loaded question:

a) that I wished to return to the active work, and
b) that I was unwilling to take a medical examination in connection with a return to the active work

I did not wish, nor did I apply, to return to the active work. As a consequence there was no need for a medical.

A further loaded question is:

*"Which Standing Order are you alleging Phillip Luscombe broke in his dealings with you?*

This question pre-supposes that I had accused Rev. Luscombe of a breach of standing orders. On November 24th, when this letter was sent to me, I had *not made any such accusation.*

I subsequently, in the second stage of my complaint, criticised Rev Luscombe. I stated that he mis-interpreted S.O. 792. However, I did not write this *until 30th November*, a week *after* the question in the letter with the loaded question from the panel was written.

A fourth loaded question is even more tricky:

*"If you had applied for the job of superintendent, how did you plan to manage a workload that was more than full time?"*

The trick here is in the captious *use of the conditional* tense at the start of the question. The word "if" introduces the conditional subjunctive form. But the verb which follows is not in the subjunctive, it is in the indicative – *"how did you plan?"* The conditional aspect is no longer present.

The presumption, or false premise, is that I did indeed *plan to manage* a workload: in fact I did not.

There is the further presumption that *"the work was more than full time".*

To be correct, the sentence should have read *"If you had applied for the job of superintendent full time, how would you plan to manage a workload that might, with your other commitments be more than full time?"*

Of course, I never did plan to manage such a workload. That is the false presumption in this loaded question.

There is a further point in this. *"The workload"* being referred to is that of a superintendent. Clearly that is not *more* than full time – for many superintendents do such work and have agreed hours in which to do it. As the question is phrased, the implication is that I wished to be a superintendent *and* continue at Sackville Road and the MHA. None of this was the truth.

There were eight questions in the letter of November 24th of which *four* were loaded questions.

It seems clear that the objective here was to trick me by unfair means, by interspersing *open* questions with *loaded* questions. This is a well-known technique.

At line 64 the panel states that it had due regard to "Positive Working Together". It clearly did not recall ( page 18):

*"I will not trick, pressure, manipulate, or distort the differences. I want your unpressured, clear, honest view of our differences."*

The pressure exerted upon me was in the form of a deadline. At the top of the page is written:

*"Questions for written responses by 5:00pm on Thursday 1st December 2016."*

The letter was written on November 24th, a Thursday. I received it on Saturday November 26th. I would have needed to post it on Tuesday 29th November in order to ensure that it arrived in accordance with this demand. I was being rushed, I would say, hustled, into a quick, and perhaps injudicious response.

The questions in this letter do not align themselves with several standing orders – in particular S.O.1100 (3 v) which states:

*"The process should be fair."*

However, there is a further point.

The situation is made less clear by conflicting evidence from the panel.

On receipt of the letter of November 24th my friend Peter Hill wrote an email about these questions, whilst I was ill, to the leader of the panel - Mr. Kitchin. This email was dated 6th December. Mr. Kitchin replied[1]:

*"I don't know where Peter finds his information. He is not being accused of asking for the job of Superintendent".*

I do not know what other interpretation might be placed upon the words:

*"What were your reasons for thinking you could take on the Superintendency when you were already committed to Sackville Road and MHA?"*

- which is the wording of the question in the letter of November 24th.

It is one thing to be accused of something. It is quite another matter when the accuser denies any knowledge of the accusation.

Why on earth would the leader of the panel make such a denial?

I believe that this exchange shows that, considering S.O.1100 (3 vi)

*"the person or body making the decision at each stage should be competent to do so, "*

The leader of the panel was not competent to send the letter or conduct the inquiry. His questions were captious. He accuses me of manipulation, but his use of loaded questions is a clear sign of manipulation.

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[1] "Set aside motion" Appendix BB

I had a right to ignore the questions. They were captious. The exchange demonstrated that the panel leader was more than a little confused. Whether he knew it or not, his two statements about the particular question above have the appearance of someone being duplicitous. His *email* reply stated the opposite of his *letter* of November 24th.

Further, I consider that the panel also breached S.O.1138 (8c):

*(c) The standard of proof required to establish a charge is the balance of probability.*

This accusation in the letter about the Superintendency was based on, *at best*, hearsay evidence. This was far from being best evidence, particularly when documentary corroboration of the charge should have been available. Captious questions were used in order to obtain evidence to boost the probability of the allegation that I had asked to be made a Superintendent.

# ADDENDUM 4 to Set Aside Motion delivered to Methodist House 27th January 2017.

## Concerning in general the decision of the panel, this addendum points to parts of the decision where the panel may be telling the truth – *but not the whole truth.*

Preliminary.

S.O. 1133 (a) (b) (c)

*"The committee's decisions must be reached solely on the charge brought and on evidence before the committee and available to both the Presenting Officer and the respondent. The evidence must include in all cases the written report prepared by the complaints team under Standing Order 1124(15).*
*(c) The standard of proof required to establish a charge is the balance of probability."*

I can find no instructions in Standing Orders about how a report, such as the decision of a Connexional Complaints Team, should be drawn up.

S.O. 1133( c) makes it clear that the system of determination of the proof *to establish a charge* should be the balance of probabilities. This refers solely to the *issues of the charges brought by the complainant* – and does not refer to issues between the complainant and the members of the committee or panel of inquiry.

*(The use of the system of "balance of probabilities" is considered in a later addendum)*

The balance of probabilities system is a binary system. When there are differences between the complainant and the respondents, and there needs to be a decision on issues of fact, when a balance of probabilities is decided, the contrary arguments are no longer valid and do not *necessarily* need to be reflected in the judgement.

Such does not apply to *other issues in the case*, such as arguments between the members of the panel and the complainant over procedure and interpretation of Standing Orders. In such matters – i.e. those not attempting to *establish a charge* - the guiding Standing Order must be S.O. 1100 which deals with fairness. It follows that in recounting such issues, both sides of the issue must be detailed in the final report of the inquiry.

A substantial part of this present decision ( lines 117 – 318) is taken up with issues of conflict between the complainant and the panel.

The several conflicts between the leader of the panel and the complainant are to be judged, if they need be, under S.O. 1100, not on a balance of probabilities. *No charges are involved.*

The report written by the panel in this case appears at first glance to be in accordance with S.O. 1100. It purports to be a fair and even-handed rendition of what occurred. However, some of the issues that should be treated even-handedly as per S.O. 1100 are treated as if they are being judged on a balance of probabilities. One side of the argument is left out.

As a consequence of this approach, the decision of the panel in this inquiry contains half-truths. This paper lists them and details the other half of the truth.

The overall effect of such half-truths is to present a prejudiced viewpoint on behalf of the panel towards the other areas of the complaint. The conflict between the complainant and the panel is interlaced with the complaints against the respondents.

## TRUTHS AND HALF - TRUTHS.

1. Lines 117 – 141 the date of the inquiry.

The half truth:

Line 117:
*"The complainant agreed in September 2016 to a date for his interview of 15th November. He later requested a postponement of four months."*

The other half of the truth:

a) the contact I had with Mr. Kitchin in early September was on the telephone. I was not prepared for it and replied only in a general way.
b) I did not agree a date – I merely stated that I was free on that date.
c) Within some ten days I informed Mr. Kitchin on 21st September that I would not be ready for November 15th. This was after I realised the implications of the "false confession" and Mr. Kitchin's determination to coerce me into signing it. This was the initial cause of seriously delay in the matter. With the false confession, the entire pattern of the panel's procedures changed.

**II**

The half truth:

Line 123:

*"The team decided to offer him two further dates in December 2016"*

The other half of the truth:

After I was taken into hospital with a suspected heart attack, Mr. Kitchin offered to meet with me in January 2017. *He later withdrew this offer*

The version in the decision covers up many reasons for delay in th eporcess – all due to the panel's actions. These are:

a) that I gave the panel eight weeks notice that I would not be able to be ready for the November 15th deadline.

b) That the delay involved in this was due to the insistence by Mr. Kitchin that I sign a false confession.
c) That other matters such as the question of witnesses and whether the complaints were three or one were further delaying me.
d) Delay caused by Mr. Kitchin in not helping me with the question of Standing Order 1157 ( This matter is covered on page 11 of the set aside motion)
e) Mr. Kitchin did not respond to questions about the email mentioned in my grievance re Rev Westwood.
f) Mr. Kitchin did not give clear guidance on whether this would be considered as one complaint or, as I saw it, three (see later and page 34 of the set aside motion.)

The Truth is that after the original choice of November 15th, Mr. Kitchin "moved the goalposts" with issues which caused delay – in particular a) the false confession, b) the question of witnesses c) confusion over Standing Order 1157 d) acquisition of the Westwood email and e) indecision re one grievance or three.

None of these delays are explained in the panel's decision.
Why would the panel wish to cover up the background details of this matter?

This appears to have been a deliberate ploy – the effect was to pressurise me into being ill-prepared for the November 15th date.

## III

The half truth:

Lines 751 – 766

"Breaches of confidentiality by the complainant"

The other half of the truth:

This conclusion was reached without asking me for an explanation.

There are two allegations. They concern:

(i) an email to John Troughton
(ii) a letter to Paul Martin

(i)
The email to John Troughton.

This is dealt with largely at pages 11 and page 19 of the original set aside motion. In particular, on 16th November I sent Mr. Kitchin my reason for actions on this – pointing to my obligations as a minister under S.O. 040.

At no time during the four months of the inquiry did Mr. Kitchin ask me for an explanation of this email to John Troughton. He never replied to my point about S.O. 040.

The report therefore does not reflect the whole truth of this particular matter.

(ii)
The letter to Paul Martin.

I have never seen this letter, nor is it mentioned in any of the correspondence with the panel. The reference to it in the decision is a complete surprise to me. The reason for this can only be that the panel refused to let me see the accusation because I refused to sign the false confession.

The content of this letter, as quoted in the report, actually supports my reasons for sending the email to John Troughton.

The true context of lines 751 – 766 is therefore in no way fully and fairly reflected in the two paragraphs in the report.

Why would the panel not wish to present my reasons for the email to John Troughton – and why would they use evidence of the Paul Martin letter without even telling me of it?

Or is the panel wish to cover up the role that the District Chair John Hellyer had in the production of these emails?

## IV

The half truth:

Lines 436 – 477
"The respondent, as Assistant Chair of the South-East District and acting on behalf of the Chair of the District"

The other half of the truth:

Although apparently an issue of fact between the respondent and the complainant, this point is directed at *the correspondence between the leader of the panel and the complainant.*

The issue here is the refusal of the panel of inquiry to act fairly. They did not demand to see best evidence.

Although Rev Westwood claimed to be acting on behalf of the Chair, she avoided showing any evidence that the Chair had actually delegated her. In fact Rev. Luscombe was in charge of the consideration in item 9 on the agenda at the meeting in question. (see later)

In my original grievance – which the panel claims to have read (line 200) I mentioned a piece of paper which Rev Westwood claimed to be an email from the District Chair.

This "email" is not mentioned by the panel in their outline of Rev Westwood's response. It is only mentioned at line 410 – where they quote the text of my original complaint.

Nevertheless, I had requested a copy of this email many times during the period September - November 2016. My reason for doing this was that the actual document was clearly "best evidence" concerning the role of Rev Westwood in the Circuit Meeting. I never received a copy, nor did I receive a reply when I asked the panel to allow me to request a copy from Rev Westwood.

This supposed email and its alleged contents was the source of the trouble at the meeting.

That all mention of it is omitted in this decision covers up the fact that the panel was not interested in acquiring "best evidence". This is contrary to Standing Order 1100.

The consequence of this is that the panel remained ignorant of the central importance of this document to the entire case. It was, after all, Rev Westwood's intervention during my object that was the source of the controversy over the events of meeting of September 2014. This document began this whole affair.

Why would the panel not seek to see this email and not mention it in the decision?

Does the email actually exist? We only have Rev Westwood's word for it. Or is it that the panel does not wish to acknowledge the role that District Chair John Hellyer had in the affair?

## V

The half truth:

Line 78

"The team interviewed.. one other key witness and heard from two others."

The other half of the truth:

There was lengthy correspondence between myself and the panel because I wished to produce, either in person or on paper, witnesses from the members at the circuit meeting of September 2014 – the meeting that all the fuss was about.

I was systematically hampered by the leader of the panel to the point where I was not able to produce any of my witnesses. The leader of the panel even wished to interview my witnesses before he might accept their evidence. He wished to do this *before I even approached and interviewed them.* He wished to control all my evidence in this area.

This matter is covered from page 27 onwards in the set aside motion.

The whole truth of this is that, in the complaint against Rev Westwood, there was the possibility of introducing eye witnesses to the events mentioned about a Circuit meeting in September 2014. To hamper this and indeed, not even call the witnesses, is contrary to S.O. 1100.

## VI

The half truth:

Line 223

"The panel explained to him that this was not consistent with the complaints process."

The other half of the truth:

As far as I can see, there is nothing in Standing Orders that precludes complainants from calling witnesses to testify to facts and events.

The panel actually took evidence from a witness ( see above line 78). Why therefore were statements from eye witnesses, whom I wished to introduce, not consistent with the complaints process?

This sentence simply covered up the fact that Mr. Kitchin did not wish to hear from my witnesses.

**VII**

The half truth:

Lines 436 – 477:
Rev Westwood's account of the events at the meeting of September 2014

The other half of the truth:

Rev. Westwood's version leaves out reference to other members of the church ( some 50 or so) who witnessed the events and indeed, took part in them. The panel failed to rectify this account.
Why would the panel fail to mention that there were eye-witnesses to the events of lines 436 – 477?

As mentioned above, the panel was fully aware that such witnesses existed. Its failure to call such witnesses indicates that the panel did not wish to hear any evidence, from persons present at that meeting, which would deny Rev Westwood's claims about what had occurred.

**VIII**

The half truth:

Allegations concerning faking illness.

Lines 133 ff.

"The team believed that if he was well enough to write, collate and send these documents, he would be well enough either to speak with us or to answer our much briefer questions in writing."

The other half of the truth:

This is not an issue of fact between the complainant and the respondents.

The matter is dealt with more fully in the original set aside motion on pages 29 and 30 and in addendum 3 to that motion.

On November 4th 2016, Mr. Kitchin sent me a letter which contained not only the John Troughton email and the consequent email from Rev Hellyer to the Connexional Head, but also the accusation[1]:

*"You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7th November 2016 and visit the MHA Richmond Care Home.*

*We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*

This allegation was clearly taken into account in their considerations, because it was the basis of the choice of dates in December. However, it is not mentioned in the panel's decision.

Why not?

I had written to the panel on November 18th[2].

*"How did anyone attending the Sackville meeting know that you were in charge of an enquiry into grievances that concern me? Did they contact you? Or did you contact them? Who are these people? On what basis was contact made?*

*Did a person, or persons, telephone you or did you telephone them? What right did they have to do so? No person involved in this matter was present at the Sackville meeting[3]. This evidence is therefore second or third-hand hearsay – which should be no part of your inquiry."*

I emphasise that none of the panel, nor any of the respondents, had been at the two venues mentioned.

The central question was how, in fact, did *anyone* at either of these two venues know that *my health* was an issue in the inquiry?

The only answer must be that someone within the close community in Bexhill had breached confidence in acquiring the information.

The panel was acting upon information from one of the respondents which had been obtained by *malfeasance*. A Standing Order had been breached.

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[1] Appendix Q in set aside motion page 1

[2] Appendix S

The equivalent in criminal law would be that the police had collected evidence illegally – such evidence would not be allowed into a courtroom. Cases in our courts have even been thrown out because accused have not been properly read their rights.

I never received any answer on who breached confidentiality on this.

However, it would seem that the most likely person is someone *under the supervision* of the District Chair John Hellyer. It would seem unlikely that such a person would have committed such reckless action *without having first obtained Rev Hellyer's consent.*

I do not argue the merits of my counter-argument about these claims here – I merely point out that this whole episode was left out of the panel's decision, and yet it had formed part of their thinking behind line 135.

The panel not only condoned a breach of confidence, but it also *accepted second hand hearsay evidence* with which to accuse me.

One can understand why they might wish to cover that up. It was malfeasance.

It is important to note that this matter was not an issue of fact between the complainant and the respondents. It was the panel who decided that I was well enough to attend. In that, it became an issue between the complainant and the panel. That issue is no part of "the charges" that are decided on the balance of probabilities in S.O. 1133 – and indeed, it can be argued that the decision taken by the panel here is in clear breach of S.O. 1133(a) in that:

*"The committee's decisions must be reached solely on the charge brought"*

The whole truth is therefore that the panel was willing to allow persons adverse to my interests to break the rules if the evidence discovered could be used against me. Accepting hearsay evidence produced by malfeasance indicates prejudice on a major scale.

## IX

The half truth:

ONE GRIEVANCE OR THREE?

Line 610.

"The team decided to take the three complaints separately and examine whether there were any features which brought them together."

The other half of the truth:

This matter is addressed at length from page 34 onwards in the set aside motion.

The lengthy dispute over how the three complaints could be handled is not mentioned at all in this report – though it was a factor in the period September – December 2016 which caused considerable delay. This was not helped by various people, in particular Rev Chapman and Mr. Kitchin, using the words "Complaint" and "Complaints" indiscriminately in correspondence.

It was not until November 4th that Mr. Kitchin appeared to accept that the three complaints would be presented separately. This, of course, had affected my preparation of the complaints considerably.

None of this is mentioned in the report. Indeed the comment in line 610:

*"The team decided to take the three complaints separately and examine whether there were features which brought them together."*

is not followed by any conclusion on the question as to whether there were any such features.

As late as November 4th[4], Mr. Kitchin was writing:

*"My suggestion is that we allocate ten minutes for you to present your complaints and up to five minutes at the end for you to summarise your position."*

Note the word "complaints" – in the plural. Does Mr. Kitchin mean "ten minutes for all three complaints" – or "ten minutes per complaint" – i.e. 30 minutes? I never knew.

It seems clear that the panel did not know how to properly proceed in this aspect of the matter. It never reached a conclusion on the principle. The fact that the details of the many arguments, and particularly the details of the inconsistency in Mr Kitchin's approach, are omitted from the report indicates that the team did not wish this to come out. It was covered up.

[4] See set aside motion appendix YY page 2 para 2

**X**

The half truth:

Lines 133ff 173 – 177 "The complainant sent to the team three unsolicited bundles of documents.."
219ff. "These papers were inappropriately long"

The other half of the truth:

The above lines suggest that there was no procedure for the introduction of the documents – and that there was a limit on the length of any such contributions.

As far as I can determine, Standing Orders contain no limit or guidance on how many supplementary complaints can be added to an original complaint, nor any length to which such submissions must be limited. In fact, I understand that Alan Bolton told Peter Hill that the limit of A4 pages (see later) is definitely not in Standing Orders.

It is reasonable that initial grievances in the first formal complaint stage should be short. The complainant would not doubt wish for speedy reconciliation – as in my case. The alternative – of issuing a long detailed complaint in the first formal stage rather than at the second stage - full consideration by complaints team - would militate against attempts at reconciliation.

Further in S.O. 1123 is the clause:

*"The connexional team must) (iii) provide all the members of the complaints team with the documents so far received in connection with the complaint"*

The words "so far" indicate the possibility of further documents to be brought to the inquiry.

Clause 5 in the above states:

*"A written statement must be obtained from both the complainant and the respondent, unless either of them refuses to give a statement."*

My second stage submissions were my written statements for the connexional team.

It is therefore clear in the Standing Orders that, when the grievance become a formal complaint, there is opportunity, indeed perhaps a

requirement, that the original grievance should be expanded to give more detail and perhaps more argument. This is a second stage submission for the formal investigation of the complaint by a complaints team.

In my case, limitations were put onto my submissions, both verbal and on paper. This, in my mind, was not in accordance with Standing Orders.

The documents were prepared for a meeting in January 2017 ( see above) That they were finished in time for the December date was purely by chance. It was the panel who moved the date from January to December.

The truth is that the panel implies that my second stage submissions were not in accordance with Standing Orders, not required and not requested. In fact, my second stage submissions were in accordance with Standing Orders and the apparent delay in submitting them was brought about by the panel moving the date for them from January into December.

This report is completely devoid of any reference to the January date.

## XI

The half truth:

Line 228:
"it was specified that these responses should be no more than on half of a side of A4 in 12 point font for each question. The complainant had not addressed these questions and had not observed the brevity requested".

The other half of the truth:

The letter was sent on 24th November. It included eight questions. Four were "loaded questions", which I have mentioned in addendum 3 to the set aside motion.

However, with this letter, the panel no longer gave me any realistic option of presenting my case – whether on three separate pages of A4 or within a ten minutes speech.

I was now effectively restricted simply to answering the eight questions – either on paper or in a meeting or on the telephone. I was too ill to commit to the latter options.

There is no procedure in Standing Orders to introduce such a procedure, indeed it is contrary to S.O. 1100.

The whole truth is that this was this was a final attempt ( and indeed a captious one) by the panel to so limit my input into the inquiry that it could easily dismiss my complaints. The pattern of this determination to curtail my evidence can be seen throughout this paper.

## XII

The half truth:

Line 269 : "The complainant refused to sign the undertaking. This did not disadvantage him as there were no new documents which could have been provided."

The other half of the truth:

This is not really a half-truth, for it is completely untrue.

At line 205 the panel lists a document they considered, being a letter to them from Rev Ian Wales. I was never given that document – I did not even know of its existence. I can make no comment on it because I have not seen its content.

I also never saw the letter which the panel claims I sent to Paul Martin ( see above) which clearly influenced the panel's view of my character.

I received no help whatsoever in obtaining a copy of the Westwood email ( see above) which would have clarified much about the incidents at the circuit meeting at the heart of my complaints.

I was therefore disadvantaged by the action of refusing to show me further documents.

The use of the phrase "this did not disadvantage him" is simply an attempt by the panel to cover up its own malfeasance in this inquiry.

## XIII

The half truth:

Line 234 - "The timescale did not permit sending those documents to the respondents for further comments"
Line 118 "he later requested a postponement of four months. The Complaints Team refused on the grounds of due process."
Line 240: "they added no significant relevant information to the original complaint and would not affect its conclusions"
Line 175 "they rehearsed what was already known"

The other half of the truth:

These parts of the decision concern the lengthy submissions I wrote for the second stage of the grievance.

The general impression given by the passages is that I embarked on writing lengthy expositions which would not fit into an agreed timescale for the inquiry – and that my papers rehearsed what was already known and had no significant relevant information.

Another general impression is that these documents were unexpected and that the deadline for them was set to coincide with the December 12th meeting.

In fact they were being prepared for a date in January which had been agreed in principle. I have detailed these points earlier in this document and elsewhere.

It is important to note that I do not here argue the facts and arguments advanced in these second stage submissions.

I point to the truth behind the suppositions of the agreed timetable mentioned above and the diligence of the panel in examining the second stage submissions.

I also point to the deception perpetrated by the panel.

Any cursory glance through these submissions would reveal that there was a basic difference between them and the original grievances.

The second stage submissions did *not* rehearse what was already known. They were also both significant and relevant to the inquiry. The panel should have immediately appreciated this.

The prime difference was that the second stage submissions were all based on documentary evidence.

The panel did not notice basic facts such as this.

None of the original written grievances and the responses had produced documentary proof to support them. After reconciliation was

denied, when the complaint was referred to the connexional team, I looked for documentary evidence to support my contentions.

For my part that was because:

a) I had not expected the responses I received and hoped to settle the matter quickly with reconciliation, and
b) I did not have access to some of the documentation I was later able to use.

The panel should also have realised that the three lengthy second stage submissions were based on best evidence.

## The relevance and significance of the second stage submissions.

Grievance re Rev Westwood.

For this submission I used not only Rev Westwood's own response, but also the minutes of the meeting in question. The original minutes were not used for the *initial* grievance - because they were not available to me.

At line 467 the panel quotes the evidence of Rev Westwood:

*"Since no valid objection had been raised with regard to Rev Pruden's invitation.."*

and concludes on line 482 that she had complied with Standing Orders.

*"no valid objection"* is a change in testimony which was highlighted in my second-stage submission.

The panel did not notice this.

On page 10 of my submission, I went into this question of "no valid objection" being raised.

The minutes of the meeting record that "no substantive objection" was raised.

In her response, Rev Westwood wrote that

*"I advised the Chair and the meeting that since no objection[5] had been raised with regard to Mr Pruden's invitation, the recommendation from the Circuit Invitation Committee should be received - that the Reverend Ian Pruden should be confirmed as the substantive Superintendent for the remainder of his current appointment."*[6]

In my second stage submission I argued that my objection was "substantive" – since it pointed to a potential misinterpretation of a Standing Order, coupled with a breach of standing orders in the manner in which the meeting was being run.

"Valid", "Substantive" – it hardly matters, for there is no doubt *that was an objection* to the re-invitation to Rev Pruden. It was from me.

The inquiry panel did not, apparently, notice this discrepancy, even though it related to a possible mis-interpretation of Standing Orders which had not been mentioned in the initial grievance.

However, this apparent misinterpretation of Standing Orders is surely "significant relevant information" which was not in the original complaint – and did not "rehearse what was already known"

A further point I made in my second stage submission is that when there is an objection *a vote must be taken.*( SO 545 3G)

NO VOTE WAS TAKEN – and yet the panel states that there was "no significant relevant information" in the second stage submission.

In fact, there were three substantive issues raised:

a) The question of Standing Orders
b) The proper chairing of the meeting
c) Questions of prior collaboration.

This evidence is based largely in the documentary evidence of the minutes of the meeting – compiled independently by someone who takes no side in this argument. It would seem from the panel's report (line 200) that the panel did not request a copy of the minutes of the circuit meeting in question.

The second stage submissions quoted the minutes of that meeting - yet the panel states that there was "no significant relevant information" in the second stage submission.

Also in the second stage submission there was an investigation into the official role of Rev Westwood in this meeting.

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[5] See however Rev Westwood response (4): "Ms Heim indicated he would allowed five minutes to offer the objection..."
[6] Westwood response page 2 para 8c

She claimed that an email she held gave her the right to take over the chairmanship of the meeting. However, the minutes make no mention of her assuming the chair.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

Further, with regard to Rev Westwood's authority to intervene at the meeting, I quoted documentary evidence in my second stage submission that it was actually Rev. Luscombe who was in charge of the matters concerning the promotion of Rev Pruden:

I quoted Rev Luscombe himself:

*"My sole role in the affair was as Acting Chair during the serious illness of John Hellyer. I needed to take an active role in the Hastings, Bexhill and Rye Circuit, as my colleague, Rev Westwood was on sabbatical."*[7]
*"As Acting Chair I dealt with the various questions and concerns that were raised with me according to the procedures..."*[8]

From this, I pointed out that Rev. Westwood was potentially usurping the power of Rev Luscombe in this matter.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

With regard to Rev Westwood's account of what happened at the meeting, I quoted from her own written account several serious discrepancies in that account.

In summary, the *documentary* evidence *available and quoted in my second stage submission*, indicates that the promotion of Rev Pruden at the meeting in September 2014 was actually contrary to Standing Orders – in that no vote was taken, no count was made and recorded - on an issue where there had been a substantive issue raised in objection to the procedure.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

Why are they covering this up?

Grievance re Rev Pruden

[7] Luscombe response para 1.1
[8] Luscombe response para 1.2

The main section of my second stage submission concerning Rev Pruden was devoted to the events surrounding the minutes of the meeting of September 20-14. This was documentary evidence.

Rev Pruden, as Superintendent, was in change of this meeting and responsible for how it was recorded in the minutes.

In my second stage submission I stated that I had taken up various points about the minutes in a meeting with Rev Pruden;

(i) The minutes did not contain an adequate list of persons present – something which is required by Standing Orders.
(ii) There was ambiguity about who had been in the chair of the meeting at various times during it. The minutes stated that Rev Heim was in the chair during the period when I raised an objection – yet Rev Westwood had intervened and acted as if she were in the chair.

(ii) Examination of the minutes raised the question of whether they had been interfered with by someone who did not wish to have on record what had actually occurred to be in the circuit records.

(iv) As mentioned above, the decision on item 9 on the agenda had required a count of votes which should be recorded. No such count had taken place. Such should have been rectified by the Superintendent – Rev. Pruden.

I pointed out that Standing Orders S.O. 131 states:

*"(21)(a) When a vote fails to be taken..... the following persons have a right to speak... the seconder of the resolution or amendment to be put, if he or she has reserved the right to speak and has not already exercised that right;*
*(ii) the mover of the substantive resolution, unless the question to be put is an amendment to which he or she has already spoken.*[9]*"*

The minutes did not record any such actions. No seconder is mentioned.

<u>All of the above concerning my second stage submission regarding Rev Pruden was *additional to my original grievance.*</u> Yet the panel states that there was "no significant relevant information" in the second stage submission.

The submission also covered, with documentary evidence, aspects of my conversations regarding the plan for covering the three churches that were left without adequate pastoral care by the departure of Rev Wales.

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[9] S.O. 131 (21)

Using Rev Pruden's own words, I pointed to facile and deceptive responses by him which are not in line with Standing Orders regarding openness. These responses were taken from documentary evidence.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

Grievance re Rev Luscombe.

My second stage submission concerning Rev Luscombe largely stayed with the accusation made in my original grievance – but with considerable amplification and with the additional use of documentary evidence - Rev Luscombe's own documented words.

In my original grievance I had *not* accused Rev Luscombe of misinterpreting Standing Orders to suit his purpose in declining a proposal I made to him. In my second stage submission I made that claim – backed up with documentary evidence.

Yet the panel states that there was "no significant relevant information" in the second stage submission.

In my original grievance I had claimed that he failed in his duty of care towards me. In my second stage submission I gave examples of his use of captious language, all from documentation, all examples of his failure of duty of care. I amplified this charge, claiming that he was not open, he was not honest, he was not just – further that he discriminated against me on grounds of age. All of this was supported by documentary evidence.

Most importantly, I introduced new evidence that Rev Luscombe had misinterpreted Standing Orders. I had been unable to cover this in my initial grievance for lack of documentary evidence. In my second stage submission I detailed the charge.

The question of misinterpretation of standing orders centred on S.O. 792 (2)

Rev Luscombe[10] stated what I was saying was:

*" fundamentally to misunderstand the role of the District as laid down in S.O. 792 (2)"*

[10] Luscombe response 2.1.

In his response he denied this. In my second stage submission, I pointed out that he had also stated:

*"I also consulted widely but confidentially among District and Connexional colleagues taking care to consult those with specific experience of the Methodist stationing process and lay employment as well as senior colleagues with pastoral experience"*[15]

This contradiction, which is backed up by documentation in my second stage submission is ignored in the panel's decision. Nevertheless, the panel states that there was "no significant relevant information" in the second stage submission.

The panel, looking for "relevant and significant information that was not in my initial grievance" failed to spot my allegations that :

1) Rev Luscombe mis-interpreted S.O. 792
2) He deliberately mis-interpreted my approach to him.
3) He used captious tactics to refuse to take my advice.
4) He discriminated against me on grounds of age.
5) His actions meant that there was inadequate pastoral care to the members of three churches in the Circuit.
6) He failed to demonstrate the necessary leadership in the District.

One wonders if the panel had actually read the second stage submissions when they decided that there was "no significant relevant information" in the second stage submissions.

This paper does not press the accusations made against the respondents in the second stage submissions. It points to the attitude of the panel towards these second stage submissions.

The fact that the second stage submissions are regarded as (line 219) "inappropriately long, (line 223) "not consistent with the complaints process" and were indeed (line 134) "unsolicited" made the matter an issue between the complainant and the panel.

To add to this, at line 216, the panel came to the conclusion that "it did not need to send " them to the respondents". This is a breach of S.O. 1102 and that in itself is an issue between the complainant and the panel - not between the complainant and the respondents.

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[14] Rev Timms grievance 2.1.
[15] Luscombe response 1.2

## XIV

The half truth:

Line 234 - "The timescale did not permit sending those documents to the respondents for further comments"
Line 118 "he later requested a postponement of four months. The Complaints Team refused on the grounds of due process."
Line 234 "The timescale did not permit sending those documents to the respondents for further comments."

The other half of the truth:

As to the implicit failure to work within the deadline, in a letter dated 24th November, Mr. Kitchin stated that the inquiry would reach its conclusion on
*" a) your original written complaints*
*b) the written replies of the respondents*
*c )your written responses to the attached questions, should you choose to reply to them"*

The panel already knew that I was preparing second stage submissions. I had already told them in October (see line 221ff) that I wished to prepare detailed testimony for the panel.

Thus they had some two months notice that such was in preparation and that my estimate was that my submissions would not be ready until some four months later – i.e. in January. In fact I later agreed to have them ready by mid-January and *that was agreed in principle by Mr. Kitchin.*

It was the panel who brought the deadline forward to December 12th. *This is the truth that they did not wish to admit to.*

On November 16th 2016 they sent me a letter which said:

> *" We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*

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There are fourteen instances listed above when the panel wrote a half truth about an aspect of their inquiry. These instances are all

concerned with the relationship between the panel – primarily with Mr Kitchin – and myself, the complainant.

Each half-truth suggests a motive for the omission of the full truth. In general a pattern can be seen in the motive of the panel. There was an attempt to restrict my complaints as much as possible; this began with an attempt to force me to sign a false confession. In many cases there is clear prejudice against me.

The ultimate attempt to curtail my input into the procedure is the disregard the panel had for the many allegations in my second stage submissions.

The panel attempted to argue that such second stage submissions were not in accordance with the process of the complaints procedure and that they arrived too late for consideration. Ultimately, when they received them, they first of all decided that the submissions would not be considered; then they changed their minds - having realised, no doubt, the unfairness of their original decision.

When they read them, they unjustly declared that they added nothing to the original complaints.

All these actions were to some extent concealed by omissions in this report. The panel was covering up its own malfeasance.

# ADDENDUM 5
# to Set Aside Motion delivered
# to Methodist House 27th January 2017.

Concerning line 596 of the decision of the panel.

At line 596 of the panel's decision is the declaration:

*"In accordance with Methodist Church practice the burden of proof in this investigation was judged on the "balance of probabilities."*

This is in line with S.O. 1133(8c):

*"The standard of proof required to establish a charge is the balance of probability."*

The panel felt the need to define what this system of judgment meant at Line 599:

*"This meant that the complaints team had to be convinced that the complaint was 51% likely to be true; that is, the complainants' story only had to be slightly more plausible than the respondent's story. Expressed another way, the complainant's case would need to be accepted as more likely than not to be true for the complaint to succeed; that it is more probably than not."*

This is an inadequate definition of the system of "balance of probabilities". The panel's definition of the system is faulty.

In particular it fails to point out that decisions may not be made subjectively without forensic examination and assessment. The panel quotes the percentage of 51%, but demonstrates no attempt of how to measure probability so as to achieve this percentage.

This standard of proof is not defined further in the Standing Orders. However, the system is well known in law. It is used in civil courts.

The phrase "balance of probabilities" does not mean that the judge may decide what is *probably the truth on a whim or a hunch -* yet that is what seems to have occurred in this case. Such is even implied by the team's own definition of the system, for their definition does not include any *forensic* obligations placed upon the judge under such a system.

The panel states that it "had to be convinced". In fact the true position is that the panel *needs to work in order to convince itself.*

The two statements may seem to mean the same thing, but they do not, for one of the essentials of the "balance of probabilities" system is that the judge may – and indeed should – take evidence from other, often outside, sources.

In the end the onus is on the judge to *weigh* the two sides – and this requires measurement and judicial assessment.

There are rules and principles involved in the "balance of probabilities". The balance of the arguments put must be carefully considered and interrogated forensically.

**It is clear that the inquiry panel had little more than a layman's view of the rules qualifying the system of judgement on the balance of probabilities. This was one of the core reasons why the inquiry was a failure.**

As with the system of "beyond reasonable doubt" in criminal law, in the system of "balance of probabilities" there must be a desire to find "best evidence". This is required in order to achieve the best measure of the "balance of probabilities".

This "best evidence" may be documentary or forensic evidence – and such will generally out-weigh verbal evidence in the "balance of probabilities."

If, after reviewing documentary evidence and such, the tribunal is still left in doubt, the question is resolved by a rule that the asserting party carries the burden of proof.

There is no position of "reasonable doubt" with the system of "balance of probabilities". The fact that an accuser has provided evidence, but not *sufficient* evidence, to give his case the greater probability, *does not leave any lurking doubt* over the accused.

The probability of both sides must be considered.

Probabilities are measured. The more *improbable* the event, the *stronger* the evidence must be to substantiate it. The *more* probable the event might be, the required evidence to substantiate it is *less.*

A well-known example of this rule is told to students. One side in a case states that a creature seen walking in the public area of Regent's Park ( where there is a Zoo) was a Lion. The other side says it was an Alsatian. Which is the more probable?

An investigation will help.

Lions are rarely seen walking around our parks. And even in Regent's Park Zoo they are locked away in cages. There are keepers at the Zoo whose job it is to ensure that they do not get out. Therefore probability is low –unless evidence is, perhaps, taken from the keepers that a lion escaped. Even so, there is still, perhaps, a probability that the lion would stay away from public areas for fear of being caught.

Nevertheless, it is true that there *are* lions in Regents Park. So the measure of probability cannot be absolute zero. However, to raise that probability level higher would require more evidence – and *strong evidence.*

Other hand, how many Alsatians does one find in Regents Park? Investigation might show that there are many Alsatian owners who regularly walk their dogs in the park. This is high probability and requires less evidence to support it.

This is how probabilities are weighed and measured. Judges in the above homily would wish to hear *strong* evidence before raising the probability that the creature was a Lion.

*Best evidence* is the essential element. The strong forensic evidence of a photograph of a Lion roaming the park could establish the measure of probability. Counting the lions in the zoo would also help.

The key point is that the balance of probabilities is not reached on a hunch – nor on the experience of the judge who simply looks at the initial statements in a case.

The likelihood of facts must be investigated. *Probability must be forensically measured.*

There appears to be no such measurement of probabilities in the considerations of this panel. They work on the basis of what *"is more likely"* or *"more plausible"*. This is a subjective approach. They take the view that the respondents are right – and that the complainant must prove 51% that he is right. That is not how the system works. The procedure begins with equal probability or improbability on both sides; the judges then measure evidence, and assess the balance.

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There are many examples of failures by the panel in the present case to properly *measure* the probability of an issue. For the sake of brevity I will list just a few.

A.

"Wishing to become a superintendent."

The rules on probability, as in the "lion example" above, are particularly applicable in one part of this present case. An accusation is raised that I wished to become a superintendent and take on the active life.

If I were a thirty year old man, this idea might be *probable.*

But is it probable in the case of an eighty year old man? For that to be judged probable, very *strong* evidence would be required.

This allegation originates in Line 185:

*"The complainant then presented a paper which proposed his own immediate appointment as acting superintendent."*

The basis for this appears to be a letter (line 205) sent by someone to the panel - detailing yet *another* letter which was actually written to a separate person.

There appears to have been no attempt to see the *original* document, which was clearly the best evidence and would have supported the probability one way or the other.

In measuring on the *basis of probabilities*, the further from "best evidence" that the matter is, the less the measure of probability. The less probable the matter is, the *stronger* the evidence must be to contradict it. When the panel accepted this evidence, it should have realised it was *not strong* – and attempted to find stronger (better) evidence to support the allegation. It clearly did not do so.

There appears to have been no attempt to assess the measure of probability.

The panel does appear to be aware of this failing in its work.

B.

## The Westwood email.

Line 410.

*"The Rev Westwood... came forward waving a paper at him saying "it was an email from the District Chair John Hellyer that he was to be allowed four minutes to make any comment about the item."*

There are many points about the meeting of September 16th 2014 on which the balance of probabilities should be measured, this is a particularly pertinent one.

Rev Westwood's contention was that the email was from the District Chair. This appears to have been accepted as "probable" by the panel.

However, there was another side to the probabilities which they did not assess and measure.

(i) Rev Westwood would not allow me to see this email at the meeting or later – why not, when it would have established her right to interrupt me?

(ii) Rev Westwood was on sabbatical during this period. There was no apparent reason why she might have been called in from that sabbatical to make the intervention – *for Rev. Luscombe was actually in charge of the matter under debate and was available.*

(iii) Further, when responding to my grievance, *Rev Westwood made no mention of this email.* That was odd, for it would be powerful evidence that the District Chair had allowed her to intervene as she did. Why should she leave that evidence out of her response?

(iv) Rev Westwood later claimed that there had been an arrangement for her to take over the chair of the Circuit meeting – *yet the minutes do not record that she did so.*

These questions raise a probability that Rev Westwood was exceeding her authority in by-passing Rev Luscombe in this meeting.

How did that probability balance against the verbal assertion by Rev Westwood? We cannot know – for the panel *did not work towards measuring that balance.*

In this example, the *best evidence* to use in *finding the balance* is the supposed email itself. In spite of my repeated requests, the panel

appears to have made *no move towards locating and securing that email.*

This again demonstrates that they did not understand how they should properly make a judgement based on the "balance of probabilities".

There is some further documentary evidence which might measure the balance in this example. In her response to my grievance, Rev Westwood states:

"*What follows is largely constructed from notes made at the meeting*[1]"

If there were notes, those notes are "best evidence".

In fact, due to her actions rather than her words at the meeting in question, I began to suspect that the paper of the email she flourished were in fact the supposed "notes" she was taking – for she had no other paper with her.

The key reason why the panel should have obtained the email is that the complaints which they were investigating began with my allegations concerning the manner in which the circuit meeting of September 2014 was run and recorded. The content of this supposed email was the essential element in determining the manner in which the meeting was run.

How many points on which probability could be measured *were available to the panel* – and how many *did they actually use?*

It seems that their balance of probability measure was based solely on what Rev Westwood said. As was once famously said in court *"well, she would say that wouldn't she?*

I do not criticise Rev Westwood here. That is not the point of this paper. I criticise the panel – because it is quite clear that there was no desire at all to properly measure the level of probability in this dispute. Such was their duty – and they failed to carry it out.

They trusted Rev Westwood, they did not trust me – that was their simplistic balance of probability. They thought it "more likely" that she was right and I was wrong. On what basis of probability was that decision taken?

[1] Westwood response line 2

C. Balance of Probabilities influenced by delay.

The balance of probabilities is also influenced by availability of evidence.

This is sometimes an issue if one of the parties does not attend a hearing or does not tender evidence to the hearing. If such is because of reasonable or unavoidable delay, the judge cannot fully consider the balance of probabilities.

In other circumstances, a judge may demand to see certain evidence, particularly "best evidence" which is being withheld from him - if he considers such evidence necessary to properly measure the balance of probabilities. The alternative might be for him to abandon the case.

In this present case, the panel decided that it was reasonable that the withholding of help to the complainant in obtaining various documents and witnesses was "not disadvantageous".(line 268)

This particular evidence was not *inadmissible*, and the withholding of it was potentially a breach of Standing Orders. To measure the balance of probabilities, the panel should have seen the documents and witnesses I wanted to provide. They did not.

Worse, it seems that their action was, in fact, a *direct intervention* which affected the balance of probabilities in favour of one side against the other. Best evidence was not sought, indeed, it was avoided – by the panel.

The panel had no right to do this. By doing so, it made itself incapable of properly considering the balance of probabilities.

A tribunal, which is working on the basis of a balance of probabilities, may not intervene in the preparation and submission of evidence in a manner that unjustly tilts the balance of probabilities; for this makes the balance an impossible goal. All evidence must be considered if the balance is to be fair and correct. In fact, the more evidence - and the stronger the evidence - it considers, the better chance it has of assessing which is "best evidence" - and therefore the best measurement of the balance of probabilities.

It is one thing to fail to look for evidence – it is quite another to refuse to look at certain evidence.

The only solution in this case was for the panel to first resolve the question of the "undertaking" (line 770). Only then could I have acquired the evidence I wished to present. And only then could the panel reach a fair measure of the balance of probabilities.

This aspect of the balance of probabilities affects the entire decision of the panel.

D. Medical Opinions.

Another area where the panel incorrectly applied the rules of the balance of probabilities was in its assessment of my health.

Actions were taken and judgments made - without reference to medical opinion from my doctor and the Conquest Hospital in Hastings - that I was too ill to attend the panel's hearing. I was taken into hospital twice during the latter parts of this complaints procedure.

At line 135 the panel states:

*"The team therefore believed that, as he was well enough to write, collate and send these documents, he would have been well enough either to speak with us or to answer our much briefer questions in writing"*

They thought it "more likely" that I would lie about facts *which could be easily checked by the panel.*

Is "more likely" a proper assessment of probability? What about "best evidence"? This is a lazy judge who cannot be bothered with doing the job properly.

Where is the *forensic* assessment of probability here? The opinion is a mere hunch.

Let us examine the possibilities of measuring the probability.

The judgement was that it was *probable* that I was fit to attend the panel meeting because *I was fit enough* to write the voluminous letters and reports which I submitted to the panel over the period of three or four months. There was therefore *some apparent evidence* on which to base that assessment of probability.

But was it *"best evidence"* - and were *other probabilities* explored and measured? Did the probability against me reach the 51%?

A means of finding "best evidence" on this aspect was available. There was possible recourse to consider the views of my G.P. I offered this. It was available to them, but *they did not ask for it,* nor did they wish to consider it. This, I contend, would have affected the balance of probabilities considerably in my favour.

As to the voluminous writing - my friend Peter Hill went to see Alan Bolton on November 29th. During that meeting he not only described

my health to Rev Bolton, but also detailed how I was able to *apparently* write as much as I did.

When I first became ill, I contacted Peter Hill. We set up a system for dealing with the matter. I would sketch letters and such, send them to Peter, or he would record what I said on the telephone with a dictaphone. He would email drafts to me. I would later add to these drafts on the telephone.

Peter also made several trips from London to Bexhill ( for I was not fit to travel) and he took dictation from me. I recall at least two whole days doing this, for I found it very tiring.

This was not an easy process, but the only one that I was capable of. Peter told me that he described this to Alan Bolton. He added that he thought it was affecting my health. Alan will no doubt confirm this.

The evidence from my doctor – and also from Peter Hill and Alan Bolton - was available to the panel. They chose not to seek it, and therefore did not consider it. Thus the balance of probability was unjustly weighted against me.

The panel decided that it was "more plausible" or "more likely" that I was *not* telling the truth about my health than that I *was* telling the truth. They did not see the need to examine such further evidence – because they did not understand the system of "the balance of probabilities".

Looking at the rules of the balance of probability, was it really *probable* that I was in some way faking my ill-health - *when I had to go into hospital twice* in the latter stages of this complaints procedure?

Surely it was highly *probable* that I was too ill to attend the meeting?

The rule is: the more *improbable* the event, the *stronger* the evidence must be to substantiate the assertion that it is probable. What was the strength of the evidence that the panel decided put the *improbability* of my claims over 51%? Apparently, it was a mere hunch.

Is it probable that I could fool the doctor and the hospital and that I was actually fit enough to attend the hearing? Or is this improbable?

If one considers that it is *less* probable ( because doctors and hospitals are experts) then one must search for corroborative evidence to support any contrary contention - for the level of evidence to make it *improbable* must be *strong.*

In fact the panel did obtain some further evidence, though perhaps by accident.

The panel was given evidence that appeared to strengthen the probability that I was fit enough to attend the hearing.

Although ill – and advised against doing any work by my G.P. - I fulfilled a long-term engagement at a local church. I also visited a care home. This was several weeks after coming out of hospital for the first time.

Word of this (which actually constituted a breach of confidence) reached the ears of the panel. This was added to the measure of the probability that I was faking my illness.

If this is what the panel thought constituted a "51% probability", then it was achieved with evidence that was at least *second-hand hearsay* evidence. This was hardly "best evidence".

On a hunch and on second hand hearsay evidence, the panel simply contended that it was *probable* that I was fit enough to attend the inquiry. They demonstrated no desire to know anything of the probabilities on the other side of this fact at issue. There was no proper measurement of the balance of probabilities.

From the above, it is clear that errors were made in the use of the system of "balance of probabilities".

I refer you to S.O. 1100 (3 vii):

*"there should be a means of correcting any errors which may be made."*

Throughout the procedure, my protests about the way the panel was acting were ignored.

The panel did not comply with this Standing Order.

In conclusion, I refer to S.O. 1100 (3 vi) which states:

*"the person or body making the decision at each stage should be competent to do so"*

It is clear from the above (and elsewhere in the decision) that the persons on this panel had little or no idea of how to assess a case on *the balance of probabilities.* Their own definition of the system is faulty and means that decisions were made subjectively without forensic examination and assessment. In general, only one side of the probabilities was assessed.

This indicates not only that they were incompetent to judge the case, but also that they breached S.O. 1133 8c:

*"(c) The standard of proof required to establish a charge is the balance of probability."*

They did not achieve the standard of proof necessary to establish their charges under the rules of the system for judging on *the balance of probabilities.*

This was because they were largely ignorant of the rules of the system of judgement they were using.

They do not appear to appreciate that the probability of *both sides* must be examined and measured in order to balance the probabilities. Their practice, as determined in their definition was simply to assess the probability – or likelihood – of one side.

Consider again how, in the example of the Lion and the Alsatian in Regents Park, probabilities of *both* sides are examined.

Is there any similarity in technique between judgment in that story and what occurred in this present case?

I think not.

The system is demanded of them by Standing Orders, yet they demonstrated that they knew little or nothing of it.

The decision of this incompetent panel should therefore be declared null and void. It should be expunged from the record.

The true fault lies with the Complaints team management, for ministers such as those who supported Mr. Kitchin cannot be expected to know the detail of the rules on "balance of probabilities". They needed guidance. Even Mr. Kitchin, though a magistrate, does not demonstrate that he is conversant with the rules of the system. Such panels of inquiry need more effective back-up from those who choose them to make such judgements.

I point you to our Methodist guide "Positive Working Together" (2015) and urge you to stop the downward conflict cycle of this matter at this point and answer the question, "*how does the church expect the Rev Peter Timms and the respondents in this – and others who might become involved at this point - to respond to the conflict which has arisen*"?

If you do not do this, you will allow the conflict cycle to run further and become even more destructive.

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# ADDENDUM 6
# to Set Aside Motion delivered to Methodist House 27th January 2017.

Concerning line 50 of the decision of the panel.

## THE RIGHTS OF THE COMPLAINTS PANEL and its interpretation of Standing Orders.

As a part of the allegation concerning my behaviour made in line 50, at line 287 I am accused of disputing Standing Orders and their relevance.

**The panel decided to investigation my behaviour in this matter during the initial stage of the inquiry, when it had no right to do so. Further, the initial stage was not conducted by measuring the balance of probabilities.**

The panel made use of S.O. 1123 in considering an investigation of my behaviour ( line 50) :

*"(4) The steps to be taken may also include an investigation of the conduct of a person other than the respondent (including the complainant) if the complaints team believes that such an investigation is relevant."*

It seemed clear to me, in early correspondence with the team leader, that the panel had this clause in mind. I considered the problem and came to the conclusion that they had interpreted Standing Orders incorrectly. It was this consideration which led me to ask the panel leader in early October if the panel was investigating me ( see addendum 1).

Clause 4 of S.O. 1123 is, of course, qualified by S.O.1100 (3 v) which states:

*"The process should be fair."*

In more detail however, S.O. 1123 (4) is also qualified by S.O. 1123 (12) which states:

*"In taking the initial steps provided for by this Standing Order, the complaints team must not come to any conclusion on the facts or merits of the complaint except to the extent necessary to reach the decisions required."*

(my underlining)

This latter clause qualifies the decision to investigate the complainant, in that such a decision cannot be taken without considering the "*facts or merits of the complaint*". (Please note that this phrase does not include the word "*complainant*")

In order to clarify my point, I paraphrase the above into plain language:

*Prior to deciding that a full investigation should be undertaken, the panel must only consider evidence in so far as a prima facie case can be established. The process should be fair.*

In order to determine the "*facts or merit*", both sides of any dispute must be considered if the consideration is to be fair.

The team was unanimous that a full investigation should take place (line 43); one of the reasons for this was "the apparent behaviour of the complainant"

I have re-read the original responses by the three respondents. I see nothing in the grievance against Rev Luscombe, nor his response about my behaviour. The worst that might be said is that he remembered conversations differently to my recollections.

The response by Rev. Westwood accused me of being incoherent, and ignorant.

Rev Pruden also differs with me on recollection of words used in conversations, however, there is nothing critical of my behaviour in his response.

There is one possibility: evidence from Rev Heim, sent in a letter to Rev Pruden, stated that I displayed "aggressive behaviour". This is described as "he shook his finger at Rev Pruden") The incident she describes (the nature of which I dispute) apparently occurred during a heated argument at a meeting on an unknown date.

It is important to note that this comment was made by Rev Heim *after she had discussed the matter with Rev. Pruden.* The note was made in February 2016, two days after Rev Pruden completed his response to my grievance.

It seems clear from this that Rev Pruden was asking Rev Heim to support his response – yet her reference to my behaviour occurs only once in two long paragraphs. The manner in which this statement was obtained suggests that the information may not be reliable. The

reliability of the statement is also affected by the fact that Rev Heim has hearing difficulties.

Considering that the three responses were the only reliable *documentary* evidence that the panel could have had available to it during the initial stage of the process, it seems that the "apparent behaviour" mentioned in line 50 must have come *from some other source.*

An alternative explanation might be that the panel relied upon the single reference by Rev Heim to my pointing a finger. This seems unlikely. However, I would like it clarified whether or not this is "the apparent behaviour" mentioned in line 50.

The first communication I had from the panel, in early September 2016, provides a possible identification of the source for line 50. In one sense, it concerned my behaviour with regard to apparently breaching confidentiality. Breaching confidentiality can be interpreted as bad behaviour.

The timing of this information points to its source. It suggests that the source was Rev Hellyer.

In the decision, Line 774 ff reads:

*"I understand that the Connexional team has reviewed the evidence it holds and has determined, in accordance with Standing Order 1157, that there have been several breaches of confidentiality by me."*

This of course does not necessarily pertain to any "apparent behaviour" as in line 50, though, as mentioned above, "breaches of confidentiality" might be regarded as poor behaviour.

However, it shows that there was evidence about several breaches of confidentiality given to the panel. The *motive* for informing the panel on such might be a part of the balance of probabilities on this issue.

The source of this would appear to be Rev John Hellyer, the District Chair, for it was he who originated at least one of the communications mentioned in lines 756 – 766.

The opinions of Rev John Hellyer, or some other person, appear to have been taken into consideration without question when the panel was deciding *whether or not* a full investigation should be necessary.

I was handicapped in presenting my case on this, for I did not learn of any such intervention until one of the emails used by the panel, (lines 756 – 766) was sent to me *two and a half months later,* on November

16th. (see appendix Q in original set-aside motion). I had knowledge that Rev Hellyer, surprisingly, had an interest in this matter because he sent me an email about it on September 9th. Of course, the three respondents were all on his staff.

In fact I had a justification for my actions – I did so in accordance with S.O. 040.

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We reach the point in this consideration at which my interpretation of Standing Orders appears to differ from that of the panel.

The complaints procedure, although in two stages (the initial stage and the full investigation) is nevertheless one single process.

S.O.1100 (3 v) stipulates that: *"The process should be fair."*

The decision taken *during the initial stage*, that a full investigation should be undertaken, was influenced, in part, by the evidence of one or more persons adverse to my search for openness, truth and fairness.

In order to be "fair", surely I should have at least been contacted so that the panel could balance adverse opinion with its own assessment of the allegation, having heard from me. In addition to this there are the strictures of the system of the "balance of probabilities".

What actually happened may seem reasonable to some. After all, was there not to be a thorough investigation later, during which I would have a right to be heard?

Of course I was not, as it transpired, allowed such a right of reply.

However, hypothesise for a moment the implications of such a method of deciding whether the panel should proceed or not.

What if the person showing hostility to my search for openness and truth had said that the panel should investigate the matter because of something more serious – perhaps that I had sexually assaulted a lady in a church? Would the panel have proceeded *without attempting to discover more about the allegation*? Should there not be at least *two* independent sources for such an allegation? Should such an allegation not be documented and shown to the complainant?

Or should the allegation simply form the start of an investigation into the truth of the matter, *without the complainant being aware that such an allegation has been made*? That is the stuff of a Kafka novel.

And when the complainant asks the panel whether there is such an allegation or such an investigation in progress, should the investigators deny that it is so? Should the complainant at least be aware of the charges?

The panel appears to interpret the Standing Orders to mean that the initial stage does not require an even-handed approach. This is not in accord with the requirements of a balance of probabilities, nor of fairness.

What seems to have occurred is not the *best*, nor the *fair* way to take evidence. In the case against me, the panel appeared to have accepted - apparently without question - hearsay evidence from an adverse source. This was little better than gossip. This is not fair process.

By not investigating my side of this matter, the panel did not consider enough evidence to reach the "*extent necessary to reach the decisions required.*" But such is the requirement of the clause.

The panel was thus in breach of S.O. 1123 (12).

"*In taking the initial steps provided for by this Standing Order, the complaints team must not come to any conclusion on the facts or merits of the complaint except to the extent necessary to reach the decisions required.*"

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However, further examination of S.O. 1123 and 1124 shows that the panel actually had no right to do what it did. There was no need, nor requirement, to reach such a decision at the initial stage.

S.O. 1124 (para 1 ) states

"*As soon as possible after it becomes clear that the complaint is to be fully considered, the complaints team must agree what further steps are to be taken to investigate the complaint. They may subsequently agree that additional steps must be taken or that certain steps are no longer required.*"

The key word in the above is "after". I underline it. Please note too the words "further steps".

Among those further steps "*which may be taken*" is clause (4) which allows the panel to investigate the complainant.

It seems clear that the intention of Conference was that once it was established that there was *cause* for a full investigation, the inquiry panel should initiate the full second stage. Only at this point might

"further steps" be taken. Those *further steps* include investigating the complainant.

Conference is not foolish. Standing Orders are written after careful and wise consideration of the wording and order of the rulings.

The panel in this case interpreted the Standing Order in a manner which I believe Conference would not ever contemplate.

The investigation into my behaviour had begun during the "initial stage". Indeed, the matter of my behaviour actually *began* the "full consideration". The very first letter I had from the panel was the "undertaking". This was effectively a false confession about a breach of standing orders – information about which had been provided by Rev Hellyer.

This ill-consideration of Standing Orders led the panel into dangerous areas. The panel listed (line 45 onwards) three reasons why it decided to undertake a full investigation. What would happen if two of those reasons were so baseless that they could be eliminated immediately when a full investigation took place? The full investigation might still proceed with the third reason.

This hypothesis would mean that a full investigation might take place *simply because there was a desire to investigate the complainant*, no matter the strength of the complaint he or she was making.

The panel's decision on this meant that, if they had found that there was no merit in the complaints made in my case, there was still merit in investigating and accusing me.

I make this point simply because at line 287, the panel claims, with adverse implication, that I disputed Standing Orders and their relevance. I do exactly that here.

I may go further and state that the decision in line 50 to investigate the complainant during the initial stage, is actually *against Standing Orders*. The panel had no discretion in this matter. S.O. 1124 is quite clear on the point.

Please consider again S.O. 1124 where it states in para 1

*"As soon as possible after it becomes clear that the complaint is to be fully considered, the complaints team must agree what further steps are to be taken to investigate the complaint. They may subsequently agree that additional steps must be taken or that certain steps are no longer required."*

Again, the key word in the above is "after". I again underline it.

According to S.O. 1124, clause 4 cannot be triggered until the requirements of clause 2 have been complied with. The word "after" is used – as mentioned above. The clauses are numbered, as they are, *for a reason.*

In other words, steps to investigate the complainant cannot take place in the initial stage.

The panel seems to be unaware of this interpretation of S.O. 1124. And yet logically is it the true interpretation.

The inclusion by the panel into the apparent behaviour of the complainant in the reasons for proceeding to a full investigation, constitutes the panel's second breach of Standing Orders in this consideration of line 50.

It was this kind of sloppy thinking by the panel that I found myself confronted with throughout the procedure.

In spite of the above, I was accused of "attempting to undermine the connexion complaints process" (line 285) and indeed "bullying" (line 297) by pointing out similar possible misinterpretations of Standing Orders. I wondered if it was an attempt to enrage me in order to prove a point for which it had no evidence.

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I contend that the complaints panel is in breach of Standing Orders by:

a) not considering the qualification of S.O.1123 by S.O.1100 (3 v) which states: *"The process should be fair"* and

b) not reading Standing Order 1124 carefully enough and thus breaching it.

These were simple errors of interpretation.

I therefore now refer you to S.O. 1100 (3 vii):

*"there should be a means of correcting any errors which may be made."*

Since this document concerns the interpretation of Standing Orders, and since I have been told in a letter from Alan Bolton that there is no appeal against the decision of the panel, I refer you also to S.O. 1140:

*"Appeal to a Connexional Appeal Committee.*

*(2) The grounds of appeal for the purposes of this Standing Order are that:*
*(i) there was a material procedural irregularity in the initial hearing;*
*(ii) the initial committee made a mistake about a relevant point of law or of the constitution or discipline of the Church;*
*(iii) the initial committee erred in its conclusion on the question whether such of the words, acts or omissions complained of as it found to have been established:*
*(b) seriously impaired or might seriously have impaired the mission, witness or integrity of the Church, having regard to the respondent's office or standing in relation to the Church;*
*(iv) the initial committee erred in its interpretation of the doctrines of the Church"*

I think it clear that the panel is guilty of infringing *all of the clauses in this Standing Order.* There is a clear duty on the connexion to consider what to do in this matter. The Connexional Appeal Committee might be one way.

I refer you to page 15 of "Positive Working Together" – the booklet that the panel (line 64) read as part of their preparation.

*"What happens to a little problem that doesn't get resolved when it's little? It gets bigger and bigger until it becomes a real problem that's going to require a lot of time, energy, and resources to be solved. It's much easier to confront problems early, while they're still small and manageable. When a problem isn't addressed quickly, it can easily spin out of your control."*

That is what is now occurring with this panel's decision. You will recall that I warned you of this in my set aside motion *before the panel sent you its decision.*

# ADDENDUM 7 to Set Aside Motion delivered to Methodist House 27th January 2017.

Concerning organised attacks on
the character of the complainant.
With reference to lines 753 – 766,
lines 284 – 292, 273 – 275.

Throughout this set aside motion I have stressed that my main concern is the atmosphere of the local Methodist community. I am primarily concerned with the Hastings, Bexhill and Rye circuit - though my contacts around the region suggest that the problem I have noted stretches further across the South East.

I have attempted at all times in this complaints procedure to only state what I can support with documentary proof. Further, I have consistently sought reconciliation.

There is however, the type of proof which some call *"the dog that did not bark"*. This is a reference to a Sherlock Holmes story called "Silver Blaze" in which the fact that a dog did not bark during the night when a race horse was removed from a stable was an important clue to solve the mystery of who had removed the horse. In short, omission is sometimes a potent indication of the truth. Such omission occurs in this complaint inquiry's decision. It has happened three times

I have been aware throughout this procedure over the past two years that I have been under some kind of surveillance. It has not been constant, and I have so far only heard the "echoes" – gossip.

However, I now think it has been more serious than that. I believe there has been systematic surveillance and defamation of me.

I complained about this kind of antipathy and adverse action towards me in my original grievance against Rev Luscombe[1]. I wrote:

*"To report to this circuit that any other clergy person of any denomination sympathetic to Methodism could be considered, but that I was to be excluded from consideration"*

However, such matters are rarely capable of documentation.

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[1] App 1

I first considered that documentation might be found to support a concerted campaign against me when the matter of the John Troughton email arose. This is covered in lines 756 to 766 - where a letter to Paul Martin is also included.

This "Troughton email" is the cause of most of the problems with the way in which this inquiry has been run. It was sent before the inquiry began.

I first learned of the use of this email when Rev Hellyer sent me an email on 9th September[2] telling me that he was aware that I had contacted the circuit stewards "about the complaint". He added that I could not bring the matter up at a circuit meeting.[3]

The email I had sent to Troughton contained the words:

*"At present there is an independent investigation being conducted by Methodist Headquarters which involves considerations relevant to Rev IP integrity and honesty whilst in the role of superintendent in this Circuit concerning me and my ministry in this Circuit."*

I had, in fact, sent letters to *all* the circuit stewards – one is quoted by the panel at line 763 – containing the words:

*"that the circuit stewards be made aware of that information to enable them to consider it as part of their role as custodians of this circuit"*[4]

I did this in order to comply with S.O. 040.

Clause 040 of the Standing Orders states:

*"Failure to Fulfil Obligations:*
*Where it is alleged or appears to the Chair that a minister in the active work has persistently or repeatedly failed adequately to fulfil his or her obligations, but there appears to be no ground for a charge under the provisions of Part 11, the Chair may, upon receipt of a reasoned request in writing from the Superintendent, a circuit steward, or any other member of the Circuit Meeting concerned or on his or her own initiative, request the Chair of another District to appoint a Consultative Committee to consider the matter."*

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[2] App 2
[3] I consulted Bellamy's guide (2008 edition) and found (13.4, footnote 64)
"If a District Chair has concerns which he or she believes ought to be drawn to the attention of the connexional complaints team he or she should contact the relevant connexional Team member." In other words, in informing Alan Bolton, John Hellyer apparently did the correct thing. However, in a conversation with Peter Hill, Alan Bolton had no recollection of this email.
[4] I quote from the report. The original letter is held by the panel – I have not been allowed to see a copy. I do not dispute the general thrust of the letter.

The relevance of this Standing Order to the situation at the time was that circuit stewards - or indeed any other member of the circuit meeting - could send reasoned requests to the Chair to request that a chair from another district be appointed in such circumstances as we found ourselves.

In fact, I had a duty under this Standing Order to do that myself. However, in the circumstances, since I was the complainant, I thought it best to simply remind the Stewards of their duty to consider this.

There was of course, a question of confidentiality, but stewards are covered by S.O. 1104 as I, and they already knew of the grievance having been lodged. I was therefore not informing them "about the complaint," but reminding them of their rights and duties.

I had made no specific charges against Rev Pruden in what I wrote.

In fact, I firmly believed that Rev Pruden did not fulfil his obligations as Superintendent either at the circuit meeting of September 2014, nor in dealing with the minutes of that meeting in 2014, nor in how he dealt with me when I complained about the conduct of the meeting, the scrutiny - or lack of – of the minutes. In short, I thought him incompetent. However, I did not mention such to the stewards.

I further considered that a consultative committee was the best way forward in the circumstances, though I did not press that option – such a decision was for the stewards to take. However, they needed to be made aware that they had that option. It was the safe thing to do.

I did not do this surreptitiously, nor to selected stewards. I wrote to all of them. There was nothing underhand about this.

Whether or not I was correct in my reading of Standing Orders in this is *not the point in this addendum.*

Nor indeed is the question of confidentiality. What I did was to remind them of a rarely used, but important, duty that they had as stewards

The importance of this *in this addendum* is the intervention by Rev Hellyer the district chairman which took place even before the inquiry began.

How did John Hellyer come to obtain the information from John Troughton- and then, within a few days, from Paul Martin?

There might have been several possible explanations, one being that Rev Hellyer had asked some person in the circuit for any damaging or troublesome information about me.

I was drawn to this latter explanation because, in my experience, circuit stewards are not particularly *au fait* with rules on confidentiality in the complaints procedure. I thought it unlikely that they would report a suspected breach of confidentiality in the email and the letters already sent to them.

After all, they might think, why would I breach confidentiality so blatantly to *all the stewards*, when, if I wished to breach confidentiality I might best do it by speaking to just one of them on the telephone?

If I had really wished to do Rev Pruden harm by spreading the news of the complaint against him, surely the telephone call would have been the best means of doing it? In that call I might have mentioned that he had not cared when Standing Orders had been breached at the meeting of September 2014 – because he was being promoted. Anything is possible in gossip.

The change in the perception of the email and letters, from *advice* to *breach of confidentiality*, appeared to show a guiding hand of someone *who knew details of Standing Orders.*

I took this up with Mr. Kitchin on 20th October 2016. I wrote in an email:

*"With reference to Mr. Troughton, who is now the Circuit Senior Steward, he has been aware of the current issues since 2014. He was the man who, in the September 2014 circuit meeting, threatened violence against my person and moved from his seat to give substance to that threat. The District Chairman, Rev John Hellyer, is the only person who could have provided you with the information regarding the discussions at the invitation committee. Naturally, I want to see copies of all the exchanges that have taken place between you and the District Chairman."*

I never received a reply to this. I thought that significant.

I had reasoned that, if John Troughton and Paul Martin had sent the email and letter to John Hellyer, then there must have been some prompting *prior to that* for them to do so. Circuit Stewards and District Chairs are not normally on such close terms that they freely exchange information. It seemed logical that someone – and I thought probably Rev Hellyer - had circulated some kind of communication to stewards requesting that they pass on information about me.

This confirmed to me that the tittle-tattle going around the circuit about me was in some way orchestrated. A minister – and, as I suspected, probably Rev Hellyer – had actively organised some kind of spy network to keep "tabs" on me. I was under surveillance

Why else would these two stewards send him the email and the letter which had merely told them what they already knew?

However, there was no real proof of any intent – so I did not press the issue.

**And then came the "dog that did not bark".**

I was very surprised when I received a letter from Mr. Kitchin dated 16th November. This letter included the words:

*"You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7th November 2016 and visit the MHA Richmond Care Home.*

*We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you."*[5]

The *second* paragraph demonstrated that the panel believed the truth of the *first* paragraph. As with the Troughton email, I was found guilty before I even heard the charge.

But who had supplied the information in the first paragraph?

None of the events concerning this are mentioned in the inquiry's decision.

The accusation, indeed the whole story, *is simply left out* – in spite of the fact that, as explained in the second paragraph, it was this information which led the panel leader to break the undertaking he had given to me earlier - by bringing the hearing of inquiry forward from January to December.

That change of date might be viewed as spiteful, it was clearly ill judged and was a crucial intervention – and yet *the leader's true reason for it is left out of the panel's final findings* and their decision.

Worse, at line 135 a *substitute* reason is included – this is to the effect that, if I was *well enough* to write voluminous material, I *must be well enough* to attend the meeting in December.

Why would the leader of the panel leave out the information about the Sackville Road meeting and the visit to the MHA – and instead

[5] App 3

substitute the somewhat spurious notion that, if I could write a lot, I was not ill?[6]

I am particularly concerned about this because the truth of the matter supports my general contention about the pernicious atmosphere within this Circuit which is seemingly supported by the District.

The facts are that, a few weeks after my first stay in hospital, I attended the Sackville Road church to fulfil a long-standing invitation to speak. In fact I only managed to speak for about seven minutes I then needed to sit down and rest with a cup of tea.

When I left there, I drove home via the MHA Richmond – mainly to tell them at the home that I was getting better and would soon be able to spend more time with the old people. I sat down talking to some of them.

All this was swiftly reported to Mr. Kitchin – and he responded with the letter quoted above.

*What actually happened here?*

I was at both venues of course - but I did not see any of the respondents there. In fact there were no senior members of the circuit present at all, not even stewards.

Was it possible that it was *one single person* who attended at the two venues? I certainly did not see anyone at the church who later went to the MHA. Why would they do that?

Was it possible that someone who saw me at the church followed me after I left? How could they know that I was going anywhere except to my home? I had clearly been ill at that meeting – everyone present must have realised that.

The simple, indeed obvious, explanation would be that *two persons*, one at the church, another at the MHA, separately and independently, reported my presence to someone - who then passed the information on the Mr. Kitchin.

But how could any lay person at either venue know that *my health* was an issue in the complaints inquiry? How could any lay person there know who the complaints team leader was?

They must have been told.

Such a scenario seems to be more than a coincidence. It seems

[6] For further on this see Addendum 5 page 9 – Peter Hill was doing the writing.

organised. As with the Troughton email and the Martin letter, it would seem that there had been prior prompting at both venues that people should report on matters concerning me.

The word had gone out – 'keep tabs on Peter Timms and report'. The only question was – report to whom?

As you will know, ordinary members of the Methodist community do not normally report to the District Chair – they probably do not even know how to do that.

If the informants were lay persons, as seems likely, then they would more likely report to the Superintendent Minister or a circuit steward.

In such circumstances, the ministers involved in this would be Rev Pruden, possibly Rev. Luscombe and Rev. Hellyer.

However, I think it unlikely that Rev Luscombe and Rev Pruden would speak to the leader of the panel without first consulting Rev Hellyer.

So who were the informants and who told them to report on me and my movements? Had the stewards been told – and did they pass the request on to the lay persons in the community? Or did the ministers make the request directly?

This information was, in some way, collated. If the matter of the Troughton email and the Martin letter set a pattern, then the pattern here might be that Rev Hellyer was the person who told Mr. Kitchin.

Here, the standing, role and action of the District Chair comes into question. Mr. Kitchin is not a minister. Would he feel the need to double-check a story that came from such a reputable senior person as Rev Hellyer? Surely the word of a District Chair is authoritative - and is to be trusted?

Is that why Mr. Kitchin *paid no attention to my explanation of the two visits.* Is that why he took no notice of my reasons expressed in my letter to Mr. Kitchin concerning S.O. 040 with regard to the Troughton email? (The two matters were dealt with almost concurrently in mid-November)

In a letter of 18th November I made the same points about the Sackville Road and MHA visits as above - though I added the point that Mr. Kitchin was accepting, as true, hearsay at second, or even third hand, information. I also mentioned that he should have refused to listen to such gossip.

Mr. Kitchin appears to have been happy to accept both the Troughton email incident and the Sackville/MHA incident without questioning

where this information had come from and how it had been collected. This is contrary to many Standing Orders. Surely his only excuse for this is that he had complete trust in the source and assumed that the background of the collection of the information was in no way contrary to Standing Orders. Only someone as authoritative as Rev. Hellyer could have engendered such trust.

However, when it came to the report on the inquiry, the Sackville/MHA episode was left out. Why?

Did Mr. Kitchin suddenly realise that *there had indeed been an organised surveillance operation going on against me in the Bexhill area?* My letter to him certainly suggested such. Would that not support some of the contentions I had made in my original grievances about the antipathy shown to me? Did that not contradict the information he had from his authoritative source?

Such might be embarrassing - considering that he was accusing me of bullying, manipulation, disputing Standing Orders, refusing to answer questions etc (see Lines 287 – 292).

What other possible explanation can there be for him leaving this Sackville/MHA affair out of the final decision and *substituting the idea that I was fit enough to attend his meeting* because I could write a lot.

This was particularly embarrassing because, by then, he had been told that I was under the day to day care of the specialist cardiac team.

Acknowledging that I had been harassed by organised surveillance, would mean that his schedule would fall apart and his previous accusations would count as nothing.

I suspect he could not contemplate that. It would highlight his gullibility.

However, if he had paused for further thought, a recapitulation of the evidence might have brought a further point to his attention.

**Because there is a second dog that did not bark – the Westwood email.**

The piece of paper which started the whole argument was the supposed email from Rev John Hellyer which Rev Westwood claimed sanctioned her actions in the circuit meeting of September 2014.

I have consistently asked for a copy of this document – because it was central to the entire proceedings at the Circuit meeting of September 2014. I was never given it, nor is it mentioned in anything that Rev

Westwood has since written about the meeting.

It actually vanished from the evidence.

Why should this document not only *not be produced,* but actually disappear from all evidence?

After all, it would have proved a major point in this dispute. It was Rev Westwood's authority to intervene and cut short, or silence, my contribution to the circuit meeting of September 2014.

But it vanished from evidence.

I have come to the personal conclusion that the email never existed, though I cannot prove this. Producing it would have been conclusive proof that indeed it said what Rev Westwood claimed - that the District Chairman had given her instructions to silence me.

However, if it did exist, according to Rev Westwood it was written by Rev John Hellyer. Indeed, if this is true, the cause of the entire dispute was this particular email from Rev. John Hellyer.

The fact that the Sackville/MHA accusation did not appear in the panel's decision is *one* piece of evidence that was cut out of the panel's decision – the Westwood email may well be a *second* piece of evidence that was cut out of the final report of the inquiry. After all, the only mention of it in the report is in *my grievance* – at line 410.

And yet it was the cause of the whole affair.

Two apparently important pieces of evidence that vanished during the inquiry - the MHA/Sackville matter and the Westwood email - added to the Troughton email, all have possible links with District Chair Rev Hellyer.

Could it be possible that Rev Hellyer had a greater hand in the matter than he should have had?

For there was clearly *a breach of confidence* committed in the Sackville/MHA matter which *was ignored* by the panel.

After all, as we have seen, who in Bexhill knew that *my health was an issue* in the timing of the inquiry? Who knew to report any information about my health?

And yet the persons who reported my actions *came from Bexhill.* They were *lay members* of the church. These were persons who had been told that my health was an issue.

When this information was conveyed to Mr. Kitchin he was still demanding that I sign a confession to having breached confidence. He was fully aware of the importance of confidentiality. Why then did he fail to spot that *at least two lay persons in Bexhill* had informed on me – when the knowledge which caused them to do so was clearly a breach of confidence?

It must have taken some strong advice from someone with considerable authority for Mr. Kitchin to ignore this breach of confidence. After all, it may have involved one of the respondents, Rev. Pruden.

Perhaps it is not surprising that Mr. Kitchin left all reference to the matter out of his report. My letter of 18th November[7] explaining this to him seems, on reflection, to be crucial in this matter. It turned his inquiry on its head.

There may be another reason why the Sackville/MHA affair was left out of the report. The events clearly confirm my earlier suspicions that I was placed under organised surveillance in Bexhill – and that it was not a "spur of the moment" thing. *It must have been organised in advance.* How else can we explain two such identical incidents on the same day, in different locations, in Bexhill?

The possibilities of this are worrying. If the persons involved had been primed to watch out for indications of my health – what else might they have been primed to spot? A further breach of confidentiality perhaps? A repetition of the John Troughton scenario? Or was the plan simply to discover any "dirt" that could be found in order to blacken my name before the panel under Mr Kitchin? How far-reaching might this conspiracy to obtain such material have been spread?

And if the position of the respondents was as solid as was being claimed - then why was there such a need to conspire to destroy my search for truth and fairness?

From Mr. Kitchin's subsequent treatment of me, it seems that the aim was to label me as an unwelcome whistleblower. Who would wish to do that?

I lay the responsibility for this with Rev Hellyer. After all, it was he who received the email from John Troughton - which he then, in some fashion, ensured would be passed on to Mr. Kitchin. He set the pattern – and it must have been planned in advance.

Further, for all my criticism, I do not believe that any of the three

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[7] App 4

respondents would instigate such an operation *without Rev Hellyer knowing about it.*

Indeed, I am not at all sure that persons in Bexhill, such as those who reported my visits to the Sackville and MHA venues, would go along with the idea - unless they knew that the request for surveillance had come from the District Chair. After all, is he not in charge of all complaints?

To fully understand this, we must consider the importance and the authority of the District Chair. Stewards and lay persons do not contact the District Chair regularly. Indeed, they may feel they should not bother him with their thoughts and problems.

Another consequence of this organised investigation against me may be the consistent and adamant refusal by all three respondents to be reconciled with me. The District Chair *should have been stressing the need for reconciliation* throughout the initial stages of the grievance – as I was.

Clearly Rev Hellyer did not stress the need for reconciliation, for I doubt that all the three respondents would have given such emphatic responses as they did if he had done so. Significantly, all three colleagues were part of Rev Hellyer's district team.

The most likely scenario therefore is that Rev Hellyer approved of the refusal to go to reconciliation. I consider this to be against Standing Orders – and indeed a dereliction of his duties.

To summarise the role of the District Chair in this inquiry:

a) He issued the email which prompted Mr. Kitchin to issue the "false confession" without question.
b) It seems that he provided the copy of the letter I sent to Paul Martin.
c) He appears to be the likely person who instigated the surveillance on me in Bexhill.
d) In each of these above actions there was danger – indeed likelihood – that confidence was breached.
e) He may be the person who discouraged my attempts to be reconciled with the respondents.

Let us consider Mr. Kitchin's role in this. He is not an ordained minister, so anything that was said or done by a District Chair would appear to him to reflect the manner in which matters are dealt with in the Methodist Church. He would also be very unlikely to doubt the word of a District Chair. He may well have allowed himself to be guided by the District Chair – one might not criticise him for this if he did.

But I believe that there came a point – probably with my analysis of the Sackville/MHA matter – when he began to have his doubts about what was going on. I think it unlikely that he would come out publicly and state that he was not happy with some of the things that had been done – particularly by the District Chair. However, he may have first decided *not to answer* my points about Sackville/MHA – and then secondly, to *leave the incident out of the panel's decision.*

There must be some good reason why he left it out.

I think this wrong. I have consistently argued that I am in this struggle because of the atmosphere in this District. It is surely against all notions of fairness in the Methodist Church to put a complainant under surveillance during a complaint inquiry.

If all of the above had come before the panel of inquiry, I feel the decision would have been quite different. It constituted a damning argument, showing that I had good reason to complain. But it was cut out and hushed up.

We now face a ridiculous situation in which a molehill of an unwarranted intervention in a circuit meeting becomes cause to address the entire system of complaints in the Methodist Church. The pernicious atmosphere I see in my Circuit appears to be spreading to a wider area.

It all began with the circuit meeting of September 2014. I was objecting to the timing of the continuance of Rev Pruden's position as acting Superintendent. There had been recent amendments to S.O. 545. Rev Westwood and I had different interpretations of the changes.

The meeting was turned into uproar by Rev Westwood's intervention during my speech. The minutes did not properly record what occurred. What is clear is that Rev Pruden was appointed without a vote – contrary to Standing Orders. There were clear breaches of Standing Orders in this.

Later concerns about what had happened at the meeting turned into a myriad of arguments – ending up with a conspiracy to destroy my reputation not only in my District, but within the Methodist Church.

It would seem that Rev Hellyer owes the Methodist Church an apology for this. Furthermore, I think that it follows that he owes me an apology. I believe that sensitive, sensible and impartial intervention earlier would have avoided the anguish that this has caused.

If it is true, as seems likely, that Rev Hellyer approved of, or even encouraged, the concerted refusal to go to reconciliation, then he should now change his views on this. Reconciliation should be possible and the three respondents should have the opportunity to change their minds. In the light of what has gone on, I suspect they would be happy to do so.

Reconciliation is the preferred solution to disputes within the Methodist Church. It is a course that I have requested over and over again. Furthermore, this would allow this controversy to return to District level – where it should always have been settled.

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I have gone into the possible role of Rev Hellyer in some depth because he is the one person who was fully aware of the disruptive and turbulent situation that has prevailed in this Circuit for some two years. However I earnestly hope that he will now reflect on this and settle this matter at District level - as it always should have been.

I never wanted to get into the area of the problems with Standing Orders, nor in the procedural problems during the inquiry that I have highlighted. I have always wanted this to be settled at the local level and hope that it can now be returned to the District.

<u>But that can only be done if the connexional panel's decision is set aside</u>.

I believe that if reconciliation is stressed as it should be, then the matter can be consigned to history.

In the light of the above, I hope that the District Chairman will reflect on his treatment of me. After all, I first detected his animosity towards me when he, in a local leadership meeting made undertakings concerning my ministry in this Circuit. These were undertakings according to his Deputy Rev Luscombe, which he later denied having made.

In the light of the above, I now question the facts of my advised approach to the President , now past president, Rev Kenneth Howcroft. I understand that this approach was in some way interrupted, subverted or contradicted by a conversation with my District Chair – in like fashion to the above.

The President did not even acknowledge my request for his help. That I find extraordinary and not like him. I expected a reply at the very least – *but nothing came.*

Is this the third dog that did not bark? Does the silence of the President tell us something?

Surely no President could be so ungracious without reason to not even acknowledge my appeal for his help.

You will recall that I asked you to intervene in this matter. I asked for your help in trying to have my papers to the President returned to me. I explained, in brief, the reasons behind that request. It seems that even your request was denied.

In writing to the President, I was actually acting on advice from a senior and highly respected Minister. It was his impression that Rev Hellyer was not open to discussion and had made his mind up. It was he who advised me to contact the President – it being the only office where I could get impartial and authoritative advice.

Much good it did me – much good it did you.

At that time I was simply seeking informal advice on how to progress. The silence that both you and I experienced meant that things went on as they have.

With so many "dogs not barking" in this affair, I feel there is ample cause for good people to ask questions. The church and its members should be made aware of what has been going on.

My recent work has exposed serious and important flaws in our system. There should be an inquiry into the system's failings. Unfortunately, I have been told over and over again by seasoned Ministers that the system of complaints is distrusted by every person who has had anything to do with it.

This is not how it should be.

Should you so wish, I would be happy to draw together some of failings in the system - along with suggestions that could address the unacceptable aspects - for you to consider. Your office is surely capable of setting up a group of elders who could produce a sensible way forward.

I again suggest to you, as I have in earlier correspondence, that I come to London and spend some time with you discussing how this matter might go forward - as a useful and less obstructive way to bring good sense to dealing with issues of conflict.

But of course, there will be no progress unless the panel's decision is first set aside.

AAA 1

**A Grievance Paper**
**Prepared for**
**Rev. Dr David Chapman**

**Appointed by**
**The Methodist Connection**
**To consider possible Solutions**

**This concerns Rev. Dr. Philip Luscombe MA**

**In his role as acting Chairman of the Methodist South East District**

**The Grievance.**

1. By ordering that this circuit should not entertain or consider in any way my application along with others for the one year Ministerial Post related to three churches in this circuit, Rev Philip Lubscombe disclosed an unreasonable and prejudicial attitude. This I believe was a questionable exercise of his authority, being unjust in all respects, and contrary to simple justice and fairness. His decision was also contrary to an earlier undertaking by the District Chairman Rev John Hellyer made to this circuit if, as they then did, put the vacancy out to public advertisement.

2. In a meeting with Rev. Dr Philip Luscombe at his office in Ashford, Kent, he said to me, "I have talked to colleagues, my mind is made up, and your job in this meeting is to change my mind". This position adopted by Rev. Philip Luscombe at the beginning of this meeting and throughout, I believe was unjust, unreasonable, and grossly unfair towards me. To report to this circuit that any other clergy person of any denomination sympathetic to Methodism could be considered, but that I was to be excluded from consideration. This in my view offends against natural justice and is contrary to 'Common Law'. To the best of knowledge Rev Luscombe did not seek or obtain independent validation of the advice given to him from this circuit, which suggests that his decision was made on issues unrelated to the application that I had made. Put simply, he pre-judged the matter when I questioned what he said he replied " you can use the Grievance".

**Comment**

By functioning in this prejudicial way as the then holder of the authority of the acting District Chair, Rev Philip Luscombe decision has caused damaging consequences towards me that he failed to properly consider. I believe he failed in his duty of care towards me by this questionable exercise of his authority and acted totally unfairly.

Peter Timms

Rev. Peter Timms, OBE, MA
Methodist Minister

AAR2

9 September 2008 : E-mail from John Hallyar to Peter Timms

From: john.hallyar@methodistcentral.org
To: member @ vervelon02.fsnet.co.uk
Cc: bellona@methodistchurch.org.uk

Dear Mr Timms,

I write having taken advice from the Secretary of Conference.

The Circuit Stewards have reported to me that you have been in touch with them about the complaint that you are pursuing against Rev Ian Pruden. Standing Orders state that this is confidential information and should not be divulged to anyone in the circuit and should not form part of the consideration of Ian's reinvitation.

If your appeal against the rejection of your complaint by the local complaints officer is upheld then the Connexional Complaints Panel will decide what action will be taken. It is not a matter for either the Invitations Committee or the Circuit Meeting.

Should you attempt to raise this matter at the Circuit Meeting it will be ruled out of order.

With best wishes,

John Hallyar

Rev John Hallyar
District Chair

[redacted]

The Methodist Church

AAA 3

Rev Peter Timms
16 Manor Road
Bexhill-on-Sea
East Sussex
TN40 1SP

16 November 2016

Dear Peter

I have received your latest e-mail.

I have consulted the Connexional Complaints Officer about how we proceed with our investigation. With this advice in mind, the connexional complaints team needs to say that :

a You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7 November 2016 and to visit the MHA Richmond Care Home.

We therefore intend to complete the rest of this complaints process as soon as possible, and not wait until January to fix a new date to interview you.

We can meet you on either Saturday 3 December 2016 at 12.30pm in central London OR on Monday 12 December 2016 at 12.30pm in Eastbourne. Please inform me by e-mail no later than 12 noon on Thursday 24 November 2016 which date you have chosen.

Please be aware that if you do not attend on your chosen date, the Team has the authority to complete its work in your absence.

b the team will arrange a suitable venue;

AAA4a

Rev. Peter Timms, OBE, MA
16 Manor Road
Bexhill on Sea
TN40 1SP

18th November 2016

Mr. Chris Kitchin

Dear Chris,

I was surprised and little disappointed with the content of your email. However, I try to remain optimistic that the Connexional Panel, with you as Chairman, will seek to remain impartial and assiduous in your inquiry as I the search for the truth, justice, fairness and even reconciliation in this matter.

In response to your para (a) it may be that you yourself have broken the rule of confidentiality which, as you know, applies to all those in dealing with a complaint.

In that regard I raise the following questions:-

1. How did anyone attending the Sackville meeting know that you were in charge of an enquiry into Grievances that concern me? Did they contact you? Or did you contact them? Who are these people? On what basis was contact made?

   Did a person, or persons, telephone you or did you telephone them? What right did they have to do so? No person involved in this matter was present at the Sackville meeting. This evidence is therefore second or third-hand hearsay – which should be no part of your inquiry.

   You should not have listened to it; after you had listened to it, you should not have acted upon it. Further, it is clear that you accept the truth of such reports without question. This is prejudicial.

2. If you check [illegible] Although attending it was a very long standing commitment by me, I spoke only for a very brief period and returned home.

3. The implicit underlying assumption your letter makes regarding my medical and health condition is ill-advised, intemperate and somewhat alarming. I continue to act according to the medical advice of my Doctor and the hospital Cardiac Team. I do not take kindly to the inference you make concerning my health in your letter. It is however, revealing of your own current thinking as Panel Chairman.

AAA4b

It is most regrettable that once again you continue to seek to impose arbitrary deadlines and changing dates. However, for medical, practical and arrangement reasons I cannot accept the dates you propose. I have continued to work towards the January 2017 date proposed by you – which I accepted. I work within the limits of my energy and health.

It is clear that someone has breached confidentiality in some way. I wish to know who. It now seems clear that the actions, in which you have taken a part, break the confidentiality rule and for that reason, unless you give an acceptable excuse, I will proceed as soon as I am well enough to ask the relevant office if I might send to the panel their details with their responses to this particular request.

I assert that I do not believe I have broken the confidentiality obligation and, when it is appropriate, I shall show my evidence on that matter. I now request that you forward to me copies of all the documentation, correspondence and emails being held by the panel in relation to this enquiry and the three grievances concerning Rev Pruden, Rev Luscombe and Rev Westwood. This will enable me to address certain matters that concern truth, justice and fairness. The withholding of such evidence from me will oblige me to consider it a prejudicial act on your part

As a token of my own goodwill I shall ensure that during the coming week of so you receive my detailed Grievance for the Panel concerning Rev Westwood. As noted earlier, I will continue to work as quickly as I can on the two other Grievances replies from Rev Luscombe and Rev Pruden. I believe the three grievances are quite separate and should be dealt with separately for the reasons I have already mentioned in earlier correspondence.

Yours sincerely

Rev. Peter Timms