

EXTRACT FROM “SET ASIDE MOTION” sent to Methodist Church House December 2016

It was now that I requested that the date of the inquiries be put off until March or April 2017¹. I requested written permission that taking sworn statements from various witnesses would not be seen as a breach of confidence².

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 writing³:

“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)”⁴

I wrote to him on October 20th⁵ 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 November⁶ 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

¹ Appendix B para 3

² Appendix B para 3

³ Appendix A page 3 para 3

⁴ 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.

[(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.

⁵ 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.

⁶ Appendix L page 2

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 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.