

APPENDIX H

Code of Duty and Conduct Working Group

Interim Report March 2011

The Code of Duty and Conduct Working Group met on four occasions by teleconference during 2010/11. The group has now produced:

- (a) a scoping study of the existing rules on the duty and conduct in the Canons, the Constitution and the Ordinal of the Church of Ireland;
- (b) a review of cases heard before the Court of the General Synod to identify precedent relating to clergy duty and conduct;
- (c) a review of protocols established by other churches within the Anglican Communion.

The Working Group has received considerable assistance from Prof Norman Doe of the University of Cardiff, an international expert on Canon Law and Mrs Karen Phillips of the Church in Wales.

The Working Group reports the following points to the General Synod

1. Two models for regulating clergy conduct are used elsewhere:
 - (a) involves the presence of disparate provisions throughout various documents including the Constitution, Canons and Ordinal (and insofar as clergy conduct may be said to be regulated in the Church of Ireland it is this first model which is approximated to). While these provisions tend to be legally binding they don't constitute a very comprehensive coverage of the potential areas where clergy conduct may give rise to problems;
 - (b) involves the production of a separate code of conduct or set of guidelines of best practice which sits outside the above-mentioned legal instruments. This type of approach, which is of more recent provenance and now favoured by our sister churches in Wales and England, provides greater comprehensiveness and clarity as to what is expected of clergy. There remains an issue as to how to ensure that clergy will consider themselves bound (whether legally or morally) by such a code and whether it can or should have contractual force or force of church law.

A choice is required and the Working Group will make a recommendation to the General Synod in due course.

2. An analysis of existing material indicates that clergy duty and conduct can be reflected under a series of categories or headings:
 - moral;
 - protection of children and vulnerable adults;
 - wider pastoral care and ministry;

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- liturgy, doctrine, ritual and spiritual.

Conduct breaches may range from relatively minor matters to criminal behaviour and the Working Group appreciates that while it is engaged in addressing a Code of Duty and Conduct, others are reviewing procedures to deal with breaches of duty or conduct.

Some of the areas mentioned above are already subject to considerable regulations, e.g. *Safeguarding Trust*, liturgical, doctrine and ritual and other matters governed by the Constitution. The Working Group felt that the areas where there is less overt guidance include pastoral care and ministry and moral behaviour.

The Working Group recommends that the Church gives consideration to developing a Code of Duty and Conduct for Clergy, which is the second of the two models identified above. If the General Synod should concur in this approach to taking the matter forward, the Working Group further recommends that a committee should be appointed to draw up such a Code and to report it to the General Synod of 2012 for discussion as to its content and method of implementation. The Synod may consider that a consultation exercise forms part of the process.