

RE: THE REVD. CANON DR PAUL OVEREND

A Note

1. Shortly after my decision of the 11th June 2021 in Clergy Discipline Measure 2003 (CDM) proceedings involving Dr Overend, the Designated Officer, Mr Edward Dobson, alerted me to communication he had received from the legal office of The Church in Wales in which jurisdiction under the English Measure was queried.
2. At the heart of the complaint had been an allegation of sexual assault in 1997 whilst Dr Overend had been senior chaplain at Cardiff University. He had been tried, and acquitted, at the Crown Court in Cardiff in 2020. The CDM complaint had essentially relied upon the same facts.
3. Further inquiry revealed that it had mistakenly been assumed by everyone connected to the case that there was jurisdiction under the CDM.
4. Certainly, at the time of the complaint, Dr Overend held office in England – as Canon Chancellor of Lincoln Cathedral. In the circumstances, a safeguarding and/or risk appraisal of some kind would inevitably have been required, even absent CDM proceedings.
5. Most unfortunately, s.6(1)(a) of the CDM 2003 appeared to have been entirely overlooked.
6. That gave jurisdiction for the tribunal to consider complaints against clergy who, at the time of the alleged misconduct, ‘held preferment in the diocese or...[were] resident therein’. That was not the case for Dr Overend in 1997. In fact, at that time he held no preferment in a diocese of the Church of England, nor was he resident in one.
7. The point, regrettably, appears to have been missed by the complainant - the Diocesan Safeguarding Officer for Lincoln, the Registrar of the Province of York who prepared the preliminary report, the Bishop of Grimsby (who was ‘acting Bishop of Lincoln’), Dr Overend’s own representatives, the Designated Officer and, indeed, myself.
8. The matter nevertheless proceeded fully and, I believe, fairly and finally concluded with my decision there was no case to answer.

9. Following a swift and full exchange of information with The Church in Wales, Mr Matthew Chinery, the Head of Legal Services there, wrote a detailed letter to the Rt Revd. June Osborne, Bishop of Llandaff, in which he advised the Bishop in this unusual case that, given the CDM investigation and my judicial decision, it would not (absent further substantive evidence) be right (or indeed humane) to embark on an essentially parallel process in the jurisdiction of Wales.
10. The reasoning, if I may respectfully say so, sat entirely appropriately with principles of judicial comity and commended itself to the Bishop who, by her letter of the 4th July 2020, and having considered my judgment, entirely accepted Mr Chinery's advice not to refer Dr Overend to a tribunal in Wales.
11. I very much regret (as I know others do also) any additional anxiety caused to any party affected in consequence of this unintentional, though important, legal/jurisdictional misapprehension.
12. I am particularly grateful to Mr Chinery and to Bishop June for their entirely constructive, pragmatic and helpful responses to a technical issue which ought to have been spotted long before now, but which has now, I believe, been remedied in a practical way.



His Honour Judge David Turner QC
Deputy President of Tribunals

6th July 2021