IN THE MATTER OF A COMPLAINT UNDER THE CLERGY DISCIPLINE MEASURE 2003

Mr Alexander Kubeyinje
(National Director of Safeguarding)

Complainant

and

The Reverend Canon Andrew Cornes

Respondent:

Before: HHJ Mensah (Chair)
The Revd Canon Neil Patterson (Bristol)
The Revd Jeannetta Stokes (Hereford)
Mrs Jane Sheat (St Edmundsbury & Ipswich)
Mr Andy Smith (Leicester)

Representation: Mr Edward Dobson for the Designated Officer.
Mr Mark Hill KC for the Respondent.

DETERMINATION

Referral

1. On 6 January 2026 the President of CDM Tribunal following a report on a referral to him by the Designated Officer, referred the following charge to a disciplinary tribunal.

2. '*The conduct of the Reverend Canon Andrew Cornes was neglectful or otherwise inefficient in the performance of the duties of his office within the meaning of section 8(1)(c) of the Clergy Discipline Measure 2003 in that he failed to take any, or any sufficient, action to report or otherwise act upon information received by him in or around autumn 1982 about abuses perpetrated by John Smyth QC*.'

3. The background to the case is set out in the President's decision, it remains unchanged and we adopt it here.

4. "*The allegations of misconduct against the respondent relate to the abuse perpetrated by John Smyth QC. There is no allegation that the Respondent himself committed any acts of abuse.*

Between 1978 and 1982, when Smyth was a leader at holiday camps for young Christian men run by the Iwerne Trust, he would groom some of those attending at the camps and persuade them to agree to be beaten severely by him on their naked bottoms, supposedly for their spiritual benefit, but in fact (as now seems obvious) for his perverted pleasure. This grotesque abuse has caused lifelong trauma for many of his victims. After 1982 Smyth moved his activities to Zimbabwe, and subsequently South Africa, where he continued to run holiday camps which included further beatings of many of those attending. He died in 2018.

In 2019 the Church of England commissioned an in-depth and extensive Independent Learning Lessons Review into the abuse committed by Smyth. The review was led by Keith Makin and was published in 2024 ('the Makin Review').

The respondent is criticised in the Makin Review for having failed to report the abuses committed by John Smyth of which he learned in 1982.

From this brief summary it will be apparent that the critical questions are what the respondent knew about the beatings carried out by Smyth and what if anything he should have done about it."

The Hearing

5. Following a preliminary oral hearing on abuse on 28 April 2026 and a preliminary determination on the papers of an application to amend the charges, both of which matters were dealt with by the Chair alone, the final hearing of the case took place over two days on 27 and 28 July 2026. Our decision finding the charge proved was announced at the end of the oral hearing with written reasons to follow. These are those written reasons.

6. At the hearing the complainant's case was presented by Counsel on behalf of the Designated Officer, Mr Edward Dobson, and the respondent's case was presented by Mr Mark Hill KC. We are grateful to the advocates for the careful and measured way in which the case was presented. The tribunal was assisted by live oral evidence for the complainant from one of the victims of Mr Smyth QC, Richard Collingwood-Gittins who has waived his right to anonymity, from the complainant, Mr Alexander Kubeyinje, the National Director of Safeguarding and Ms Jude Renton, the appointed Safeguarding caseworker for this case. The tribunal was also assisted by live oral evidence from the respondent Reverend Canon Andrew Cornes and a witness on his behalf, Colin Perkins, Director of Safeguarding and Diocesan Safeguarding Officer for the Diocese of Chichester and was also assisted by agreed witness statements from two further witnesses on behalf of the respondent, the Revd David Holloway and the Revd Ted Crofton.

The Witnesses

7. Richard Collingwood-Gittins was the first witness, he appeared before the tribunal by videolink with his witness statement standing as his evidence in chief. He expressed his high regard for the respondent who he had met through leadership of Christian Youth Fellowship Association holiday camps. He did not have a recollection of having told the respondent about the abuse. His evidence was that the first time he realised that the respondent knew about the abuse on him was when he received a letter from the respondent stating that he was aware of the abuse. The witness no longer had a copy of the letter although he

was able to give evidence that he vividly remembers when he received the letter and the positive impact it had on him. He was certain that the only person he ever told about the abuse was his first wife, he said that the nature of the abuse was such that he would not have shared the information with anyone else. The letter was the first time that he was aware that the respondent knew about the abuse.

8. With regard to another letter which was described as the “blue letter” because of the colour of the paper on which it was produced, Mr Collingwood-Gittins was certain that he was not the author of that letter as he did not believe he had a manual typewriter and did not use initials which the letter writer had done. When asked about various holiday camps he had attended in the 1980s, he did not recall them although the respondent had documentation which included Mr Collingwood-Gittins as an attendee. The evidence of the witness was that with the passage of time of over 40 years he could no longer be certain that his recollection of events was as strong as he had initially believed it to be.

9. The tribunal heard next from Ms Renton who had conducted the interview with the respondent. The initial purpose of the interviews was to evaluate the safeguarding measures and risks in particular ministries as identified in the May 2022 letter from Zena Marshall, Director Casework and Strategy to the respondent. Ms Renton explained that after each interview the clergy were sent the notes of interview for their agreement. In this case the respondent had responded with amendments which were in red in the copy before the tribunal.

10. The third witness was the complainant. He explained that whilst the process had begun as an interviewing exercise as explained by Ms Renton, once the Makin review was publicised and names were mentioned, it was always the case that there would then be a review. The original interview was simply a holding position. Revd Cornes had been able to respond to the interview and had done so with his amendments. The witness confirmed that there had been no written safeguarding policy for the Church of England in 1982 nor was he

aware of any national government policy for safeguarding in 1982. His opinion was that the respondent had at least a moral responsibility to report the abuse.

11. We do not believe that the respondent was prejudiced by the changed nature of the interview, from evidence gathering to investigation. He was not given any assurance regarding the future use of the interview record, he was able to provide additional information after the interview and did so. Even if we had excluded the interview record (and we were not asked to do so following the abuse hearing), the respondent who had co-operated with the tribunal proceedings and given evidence would have given the same account that is contained in his witness statement and that was given orally in evidence to the tribunal.

12. The respondent gave evidence. He was ordained Deacon in 1973 and Priest in 1974, serving his first curacy in York Diocese. He was Curate at All Souls, Langham Place in London between 1976 and 1985. In none of his training or courses that he attended at the time was there any training on what is now called safeguarding. He had attended the Iwerne Holiday camp between 1968 and 1973, whilst involved as a leader he had not heard of or witnessed any abuse whilst there. His first knowledge of abuse by Smyth was when he was informed of the same by Richard Collingwood-Gittins. He had found the disclosures shocking. His recollection was that the disclosure had come from the victim who had visited him at his home in London. He understood that the beatings were of adult young men, that the scriptures were being misused to justify the beatings, he had not been asked to take the matter any further by Mr Collingwood-Gittins. At the time he had been the senior clergyman but there was no training or suggestion that pastoral disclosures should be passed on to anyone, nor was it his practice or expected practice to do so. He did not consider that it was a matter for the police and was not sure it amounted to criminal conduct. The beatings occurred in the era of the use of corporal punishment in educational institutions and so did not appear egregious to him, for their time. In addition, the respondent said that he was told that the beatings

had by that time come to an end and were being investigated by others who were more experienced than him. He had not made any further enquiry, he said that he had left Iwerne camps some 9 years previously. He noted that Mr Collingwood-Gittins was in contact with other victims and had given information he had about their position. What was revealed did not appear to the respondent to have been harmful in an ongoing way to the victims.

13. The respondent also accepted that the passage of time had dimmed some of his recollection and was willing to accept that he had written the letter to which Mr Collingwood-Gittins had referred. With regard to the "blue letter", the respondent said that in the light of its content, he believed the letter to have been written by Mr Collingwood-Gittins.

14. In hindsight, now having read the Makin report, the respondent said that he was aware that the abuse was more harmful than that disclosed by the victim. If the disclosure were made today, he would take a very different approach. However at the time, having had no training on the matter he had acted on the information in the way he considered was being sought, namely providing sympathetic listening and pastoral support. His training was to care for individuals and he was being approached pastorally and he believed he had acted in a way that was appropriate and to be expected at the time and not negligent by the standards of 1982. Nor had he felt that he was in a position where he was out of his depth and needed to seek guidance from his incumbent. The victim being over 18 was another important factor for him. He did not believe that any other victim had contacted him, it was such a shocking disclosure that he would not have forgotten if he had been spoken to by another victim. We accept that account and do not find that he was seeking to hide, minimise or distance himself from the facts as they presented themselves. He said that whilst he had responded to the victim he had never taken the initiative to take the matter further which he had seen as the prerogative of the victim.

15. Having heard from the respondent we found him to be an honest witness who was consistent in his evidence and did his best to assist the tribunal. However

we found his failure to enquire further, to share the information or take the information entrusted to him further to be troubling. He knew that he was in a position of trust, that there were other young men involved, that this was not behaviour to be equated with chastisement of children but was behaviour aimed at young adults with misuse of the scriptures as justification.

16. Colin Perkins was the final witness. He provided helpful evidence regarding the position of safeguarding both at the time of the disclosure in 1982 and the position in more recent times. He agreed that in 1982 there were people within the church structure to whom a priest could speak, the Archdeacon or Bishop or to the police if it was considered that a crime had been committed or something unlawful had occurred. Whilst he was able to note examples of priests taking issues to the Bishop he said that he had more examples of priests relying on the principle of confidentiality in the Church of England at the time and not passing on information disclosed to them without consent.

17. In addition to the live witnesses, we accepted into evidence the unchallenged witness statements of Revd Holloway and Revd Crofton.

Legal Framework

18. We reminded ourselves that the burden of proof throughout lies with the Designated Officer. The respondent does not have to prove anything. The standard of proof is the civil standard – the balance of probabilities – whether we are satisfied by evidence that it is more likely than not that conduct occurred.

19. Findings of fact must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation. The tribunal must take into account all the evidence and consider each piece of evidence in the context of all the other evidence. Here we have read and carefully considered the entirety of the hearing bundle, the respondent's documentary material and the oral evidence of the parties and their witnesses.

We also considered carefully and took into account the helpful witness statements of witnesses not called to give oral evidence.

20. Our attention was also drawn to The Form and Manner of Making, Ordaining and Consecrating Priests and Deacons according to the Order of the Church of England as contained in the Book of Common Prayer 1662 and to the Disciplinary Tribunal case of Revd Canon Paul Robinson [2008].

21. In this case we are concerned with Disciplinary proceedings under the CDM Measure instituted against the respondent alleging neglect or inefficiency in the performance of the duties of his office.

22. In considering what amounts to the duties of his office we draw guidance from the analysis and conclusions in the case of *Robinson* [2008] with which we agree and in respect of which the parties did not disagree. That is that "the duties of office in section 8(1)(c) of the Measure are not restricted to offences against ecclesiastical law" but that "the phrase should be read broadly" to include the general fulfilment of the cleric's office. It is not necessary that the duties should be in a written policy or other document. In that respect we also drew guidance from and agreed with the finding in *Faulkes* [2008] (unreported) and quoted in *Robinson*, where the Tribunal noted that the duty to keep and produce financial records and accounts "*did not arise from any mandatory element of ecclesiastical law*" but that there was "*an obvious duty of which (the respondent) should have been aware in his handling of others' money to place arrangements on a transparent and proper footing*". Similarly in this case we are satisfied that the respondent should have been aware that there was an obvious duty in receiving disclosures or hearing about concerns, to take some action to protect the young and vulnerable from harm and abuse. Even where he was told that the abuse had stopped or was being investigated by others, he took no steps to ensure that was the case and that nothing further was required in terms of protection.

23. It is also important to remind ourselves as we did, that the conduct should not be judged by the standards of 2026`` when, at least as far as safeguarding is concerned, the position is very different from that which existed in 1982.

Findings of fact and Discussion

24. The first question we ask ourselves is what the respondent knew about the abuses committed by Smyth. Having considered all the evidence we accept that the respondent became aware of the abuse from one source only and that was Mr Collingwood-Gittins.

25. We attach no weight to the unsourced, unidentified, “unknown victim” who is said to have discussed the abuse he suffered at Smyth’s hands with the respondent. We accept the respondent’s account that his knowledge of abuse came from Mr Collingwood-Gittins and that was the sole source. Whilst the respondent cannot recall the letter mentioned by Mr Collingwood-Gittins, he recalls hearing about the abuse from Mr Collingwood-Gittins himself and we accept his evidence that had he also heard it from other sources that would have been something he remembered. The respondent’s evidence regarding the “blue letter” is that the author was Mr Collingwood-Gittins. We do not consider that we need to make any finding as to the author of the blue letter as the respondent accepts that he was informed of the abuse by Mr Collingwood-Gittins himself. If we had to make a finding on the letter we would attach very little weight to an undated, unsigned letter, only part of which was in existence from an individual who did not engage directly with Mr Makin or the review and who did not want to be involved with the review. That lack of identification was confirmed more recently when Mr Kubeyinje made further more recent enquiries following the abuse arguments.

26. We do not reject the evidence of Mr Collingwood-Gittins as to the information held by the respondent but note that he accepted that his recollection on certain aspects of the case was not clear. We found his evidence credible, genuine in its praise of the respondent and open in its admission that the passage of time

may have diminished his recollection of certain events not central to the abuse. We do not consider that we need to make any finding on the source of the respondent's knowledge of the abuse since he accepts that he was informed about the abuse and his account accords with that of Mr Collingwood-Gittins.

27. We accept the respondent's own evidence regarding what he knew, set out at paragraph 20 of his statement that

"(*a) That Mr Collingwood-Gittins had been beaten by Smyth;*

(b) That Smyth's justification was that the beating was a God-given means of growing in holiness based on (a misuse of) verses in the Old and New Testaments;

(c) That other young adults had also been beaten;

(d) That senior Iwerne leaders were aware of the beatings, had confronted Smyth and taken action to ensure that the beating had stopped and would not be repeated; and

(e) That the beatings had stopped not just for Mr Collingwood-Gittins but for all others too."

28. His account of the substance of what he knew is consistent with that of the victim and there is no reason to doubt the respondent's truthfulness and recollection. In these circumstances, and bearing in mind the burden of proof is on the complainant we are satisfied that the respondent did not know any more than that which he has acknowledged.

29. The next question is what the respondent should have done with the information which he had. In answering this question we have borne in mind that we are looking at the situation as in 1982 not as at now with safeguarding policies and guidelines in place. We were assisted in this consideration by a number of witnesses who gave evidence about the situation in 1982.

30. The complainant's case is that the respondent should have reported the matter to the appropriate church or secular authorities. In 1982 there were no safeguarding advisers, as there are now, however the complainant relies on the respondent's vows which he would have made on his ordination. The complainant also relies on the respondent's own admission that he was aware, once told, that homosexual desire was behind the actions and that by his own admission "he should have followed this up" and should have been more aware.

31. The respondent puts forward a number of reasons for not reporting the matter or taking any action in respect of it. He says that neither his training at the time nor any policies gave advice as to what to do next in the light of safeguarding disclosures. He accepts that now, in the light of safeguarding practices he would follow up such a disclosure. He says that this was a "pastoral issue" and nothing in his training or in any practice suggested that pastoral issues should be passed on to anyone and he did not consider that the Archdeacon or bishop would have expected pastoral disclosures to be passed on to them. It was neither his practice nor "expected practice" to pass on pastoral issues to the Archdeacon or Bishop. He says that the disclosure was "shocking", but he understood that the beatings had stopped and did not appear to have been harmful in an ongoing way to Mr Collingwood-Gittins at that time.

32. The respondent also states that he was bound by rules of confidentiality and the victim had not asked him to take the matter any further. The matter by that time was of some age and appeared to be being dealt with by others in authority. There was also the lack of clarity as to whether what had been described to him amounted to a criminal offence and in the absence of it clearly being so he did not report it to the police.

33. With regard to the reference in the ordinals raised by the complainant, the respondent's position is that the emphasis in the ordinals is particularly on salvation and reconciliation with the strands being on emphasising the centrality

of the scriptures, taking responsibility for nurturing the flock of God and responsibility for bringing the Gospel to non-Christians.

34. Having considered all the evidence presented, we do not consider that the respondent acted on the information in a way which was appropriate or to be expected even in 1982. No safeguarding policy was necessary or training required to appreciate that disclosures such as that which he had received needed to be passed on to others for a number of reasons: the account needed to be confirmed, the victims were entitled to protection and the perpetrator had to be exposed and desistance and discontinuance of those activities brought about. Without further enquiry the respondent could not know that was taking place. There did not need to be a safeguarding or any other policy in place to appreciate that the response to the disclosure would be part of the duties of a cleric. Perhaps more so in this case where there was clearly more than one victim involved and the scriptures appeared to be being used to justify what were at least unacceptable and at worst appalling practices in the name of the church. Even if he was told that matters were being investigated by other senior leaders, he took no steps to confirm that that was the position. It was also our view that this surprising and shocking behaviour would or should have been an exception to the “expected practice” of not passing on pastoral issues to more senior clergy.

35. The principle of maintaining confidential information would not have been undermined by passing on this information as it could have been done without disclosing the name or any particulars of the source of the information.

36. The argument that he was not asked to take the matter further is not one we accept. The age disparity and his position of authority within the church as a cleric were factors that he should have considered in assessing whether he should take the matter further. This was a young man who had come to him with a serious disclosure about conduct forced on him and on other young men. A young man who may not have had the knowledge, experience, courage or

desire to request any further action be taken in respect of the disclosures but that in our view did not absolve the respondent from a duty to do something more.

37. Finally, we ask ourselves the question we must answer under s.8(1)(c), that is whether the conduct we have found was “neglectful or otherwise inefficient”.

38. We are satisfied that taking no steps at all to confirm the account, share the information or to make of enquiry or offer assistance at all was neglectful. In circumstances where the respondent had found these disclosures to be “shocking”, to have involved more than one young man, to have been approached as the recipient of the information and being in a position of trust and authority over the victim we would have expected a more engaged approach. He had found it significant that the victims were over 18 raising the question whether this could be described as chastisement, he was concerned that the bible was being misused/misinterpreted raising the question that this approach to biblical readings should at least be reported. His response of lack of action suggests a certain degree of passivity regarding the seriousness of the disclosures and lack of foresight into the consequences of the disclosures for the individuals and the wider church congregation.

39. The test for neglect is an objective one, even if the respondent thought he was following the relevant practices regarding confidentiality and observing the principles of his training, that did not mean that he was not neglectful in his duties. His position did not require or entitle him to do nothing except listen.

40. Accordingly, for all the reasons we have given, we find the charge proved.