

INVESTIGATION REPORT

**PREPARED BY
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**ON BEHALF OF
The Board of Trustees, St Andrew's Cathedral Church**

March 2021

Background

I am a self-employed independent HR Consultant with 14 years' experience working on my own and over 25 years' experience in HR.

I was contacted initially by Mark Edwards, Treasurer, on 1.12.20 and asked if I would be available to carry out an investigation into the events leading up to and including 11.10.20 and the subsequent breakdown in relationships. I was formally appointed to carry out the investigation on 8.12.20.

I received some initial information in the form of an email trail on 15.12.20 and the contact details of the key players along with confirmation that they were happy to participate in the investigation on 16.12.20.

Methodology

Due to the current social distancing rules, the investigation meetings took place by Zoom videoconferencing calls:

Bishop Anne Dyer	30.12.20	Mark Edwards	13.1.21
Ferdinand Von Prondzynski	4.1.21	Lord Glenarthur	21.1.21
Graham Robertson	5.1.21	Audrey Morrison	2.2.21
Rev. Isaac Poobalan	6.1.21	Gwyn Evans	3.2.21
Rev. Canon Terry Taggart	6.1.21	Lydia Ross	3.2.21
Christopher Cromar	11.1.21	Fiona MacMillan (by email)	20.1.21
Primus Mark Strange	12.1.21	Christopher Cromar	26.2.21

The meetings were held in an open format with no 'set' questions and individuals requested to provide their recollections. Further information was provided by email following many of the meetings. After the meetings, I provided all concerned with my notes of our meetings and confirmed that each were happy that the notes taken were an accurate reflection of our discussion.

A significant amount of information – copies of emails, press releases and other documentation – was also provided to me during the course of the investigation.

Purpose

The purpose of the investigation was to explore the allegations, establish the facts and to make a recommendation as to potential outcomes and actions. The allegations were defined as the allegations raised by BA in relation to CC's behaviour and actions preceding and on 11.10.20.

Specifically, the Trustees of St Andrew's had been asked by BA to take action in relation to CC for his alleged behaviour on 11.10.20. The Trustees wished to ensure any decision regarding this to be based on independent investigation and evidence.

For the purposes of this report, I have investigated the specific allegation that CC behaved in a threatening manner towards BA in St Mary's on 11.10.20. I also felt it important to consider the background leading up to 11.10.20 in order to ensure proper context was provided.

I have therefore sought to establish what agreement, if any, existed in relation to the provision of music at the pro-Cathedral following the 'merger' of the two churches and congregations and also the discussions and context leading up to 11.10.20

Throughout the investigation significant information was shared by a number of witnesses which, although not directly within the scope of this investigation, has doubtless impacted on the beliefs, behaviours and actions of all concerned. I have made reference to these where relevant to the scope of the investigation.

What happened in St Mary's on 11.10.21

I took witness statements from several individuals who were present in St Mary's on Sunday 11.10.21.

BA described CC as being 'agitated and angry' throughout the service and that he had half-stood up several times as if he was going to speak. BA said this made things difficult for her and TT as they could see CC but the congregation could not, as CC was sitting behind them.

BA said CC had come up for communion and had stood 7 or 8 feet away from her and she had felt sure he was going to attack her. BA described CC as 'visibly angry'.

BA said CC had returned to his seat and sat down and, at the end of the service, had stood up and begun to speak but the organ drowned him out.

BA said she and TT had retreated to the sacristy and remained there for around 40 minutes. BA said she had been given a lift home by a member of the congregation who had said CC was still 'wandering around' and that BA was not safe.

GR noted that he had been asked by BA to attend the service and he had sat in the front row along with his wife. GR noted CC had sat at the back with his partner. GR said he had witnessed CC coming to the front during communion and staring at BA 'in a very intense way'. GR said he knew BA had felt intimidated by this.

GR noted that CC had come up to the front and started to speak as the service ended but that the organist had been told to play loudly should this happen so no one heard what was said. GR said he saw BA and TT leave by the side door and he had heard that BA had been given a lift home by a member of the congregation.

TT said CC had sat at the right hand side of the church towards the back at the end of the pew. TT said when CC had come up for communion, he had taken the wafer from BA and had then stared directly at BA for a long time – at least a minute – and that this normally took around 5 seconds. TT said this was intimidating, but BA had 'been gracious' and not said anything.

TT said CC had stood up in the middle of the final blessing and stepped into the aisle with his back to BA and TT, facing as many people as possible. TT said he and BA would ordinarily walk down the aisle and out the front door but they could not do this as CC was standing there. TT said he could hear CC reading something but could not make out what he said.

TT said he and BA went out the side door into the sacristy and had waited there until CC had left. TT advised BA was badly shaking, upset and scared and would not leave until she knew CC had left the church grounds.

AM (a member of St Andrew's congregation) said she noted nothing untoward about CC going up for communion and that CC had gone up, sanitised his hands, taken communion and returned to his seat. AM said CC had got up during the final piece of music and had stood in the central aisle, probably about half-way down. AM said it looked like CC was going to speak but the organist played on and they had all been asked to leave before the music ended. AM said she had noticed CC walking down the street when she had left.

FM (a member of St Andrew's congregation) provided a statement by email and noted that she was sitting opposite CC and that CC was so benign in his manner when he had stood up at the end of the service that she had thought he was probably going to announce a concert.

FM noted CC's behaviour was not 'threatening' in any way and that he was his 'usual kind and charming self'.

GE (a member of St Mary's congregation) said she had been sitting about halfway down in the church with her partner and Sam (TT's wife). GE said she had seen someone dressed in black and with a black mask on walk past her towards the top of the church. GE said Sam had said "oh my goodness, that's Chris Cromar, the director of music from..." GE said CC had stood at the top of the steps just in front of the pulpit and had been holding a piece of paper. GE said CC had said something like "could I just have everyone's attention... good morning..." but then the organ had started playing and no one could hear him. GE said she could see CC's mask moving as if he was speaking and that he continued to do this even after Ian Stewart had started asking people to leave the church.

GE advised she had left the church with her partner and Sam Terry and had spoken to BA and TT outside. GE said TT and BA were having their normal chat with everyone outside – asking people how they were doing as they would normally do. GE said he had seen CC speaking with others and saying "well, I tried..." but that CC had made no attempt to speak with BA or TT and that CC had then left with the lady he had been with and walked down the street.

GE confirmed the service had been normal up to that point and that there had been no 'kerfuffle'. GE said CC had been sitting in the opposite pew from her during the service.

LR said she was a member of the vestry and was therefore aware that CC had been advised he would not be required to play on that date and that CC was upset about this.

LR said she attended church with her elderly mother and that CC had been sitting in the pew behind her, although she did not recognise him until he stood up to speak at the end. LR said she was sitting in the third or fourth pew back and that CC and a lady were behind them. LR said they were about 1/3 of the way back and where communion is dispensed. LR said she had seen CC taking his mask off when he was walking up to get communion and that he did not have his mask on when he had received communion. LR said CC had stood in front of BA for around 10 seconds which seemed like a long time. LR could not recall CC sanitising his hands and thought he had walked straight up while his partner had sanitised her hands and received communion after CC.

LR said BA had come down as if she was getting ready to leave at the end of the service and CC had got up and was standing at the end of the pew in front of the one that she and her mother were sitting in. LR said CC had started to speak and had said "The Bishop..." before the organ had drowned out his words.

LR said she felt by the look on CC's face that she should get her mum out of the church and so she had left. LR said she felt protective of her mum and that her reaction to this had made her feel uneasy about going into the church for the following 3 days until CC had handed in his keys.

CC said he was in the last row and he and his partner had to walk the full length of the nave with BA looking at them. CC said at the start of the service, BA had advised that only one person should come for communion at a time and that they should sanitise their hands and allow them to dry fully; as it was important their hands were dry when receiving communion.

CC said he had sanitised his hands and he understood that someone had said this took a long time, but he was just trying to get them to dry. CC said BA was staring at him and he had met her eyes and not avoided her gaze. CC said he did not want BA to know that he felt uneasy and had hoped BA would say something conciliatory to him, but she did not.

CC said he had stood up and said 'good morning' at the end of the service where TT had previously invited people to speak. CC said the organ then started and he had stood 'like a lemon' unable to say anything further due to the music.

CC said BA had wanted everyone to leave the church and so he had left. CC said most people were in the garden and he had said goodbye to the steward and had left and walked home.

Analysis

In considering these statements, it is clear that there are significant differences in the recollections of those present.

None of the witnesses support the assertion of BA that CC was agitated or that he half-stood up from his seat several times during the service. Given that FM and GE state they were sitting opposite CC and LR states CC was sitting directly behind her, I do not find it credible that these witnesses would have been entirely unaware of CC's behaviour if he were noticeably agitated as this would be unusual behaviour during a church service.

GE, AM and FM noted nothing unusual when CC took communion. BA asserts CC was 'visibly angry' and stood about 7 or 8 feet away. GR noted CC staring intensely at BA during communion, with LR noting CC stood in front of BA for around 10 seconds and TT noting CC staring at BA for around a minute after receiving his wafer. CC himself asserts BA stared at him and he did not break her gaze.

From the witness statements, it seems conceivable that CC and BA did make eye contact in an intense way for perhaps longer than would be normal when receiving communion. Given the conflict between them in the days leading up to the service, this would appear understandable as both were likely in a heightened emotional state. Both BA and CC note feeling intimidated by each other; with neither willing to 'give way' at the time.

Given the content of the witness statements, and the fact that 3 witnesses noted nothing unusual, it seems plausible that the tension between BA and CC during communion was apparent only to them personally and to those around them who were aware of the previous conflict and discussions.

Only LR made mention of CC removing his mask when going for communion. I find this unusual as, if CC had removed his mask in contravention of the Covid regulations, I would have expected this to have been noticed and commented on by all present. It would also seem unusual, if CC had removed his mask at this stage, for him to have worn his mask while trying to speak with the congregation as a whole, as stated by GE.

It is clear from CC's statement that his intention was to speak to the church as a whole at the end of the service. CC had expressed his intention by email to BA and copied to FvP, IP, TT and ME on 9.10.20 and believed he was supported in this by the Trustees. FvP noted in his email that CC should not speak publicly at St Mary's. CC noted FvP had previously provided assurances that "everything would be sorted out" and noted that it had not and therefore CC was not reassured by FvP's statement and felt compelled to take action himself.

TT has confirmed it was his usual practice to allow people to speak at the end of the service, but that this was reserved for announcements of interest to the congregation such as concerts and not for the purposes of wider communications. ME noted TT stood in front of the congregation on 4.10.11 and asked if anyone had any thoughts about the first two weeks. No one had spoken at the time and TT had said this was not a problem and at any time anyone could stand up and say if they had any concerns or problems. CC noted he would not have thought to speak in front of the congregations had it not been for TT's statement the previous week which he took as an invitation for openness and an opportunity to raise issues.

As BA was presiding and this was not her normal practice, there was no intention for there to be any opportunity for the congregation to speak.

The witness statements are not consistent in terms of where CC stood at the end of the service, with some noting him as halfway down and GE noting CC stood at the top of the steps by the pulpit. TT agreed to provide a floorplan of St Mary's on 17 February but this has not been received. The statements are not consistent with regards to what was heard of what CC was attempting to say, although this could be explained by the music being played and the lack of ability to hear much of what CC said.

The evidence clearly supports the fact that CC rose from his seat and attempted to speak to the congregation at the end of the service.

BA and TT note they left the church by the side door and stayed in the vestry for some time. This is at odds with the statement from GE in which she notes standing outside the church immediately after the service with BA, TT and TT's wife and that BA was speaking with people 'as she normally would'.

Primus Mark Strange noted that he had spoken with BA following the service and that BA had clearly been "terrified and shaken". BA had advised PMS she had locked herself in the vestry and PMS had advised her to go home to her husband. PMS noted he provided pastoral care to BA and that he had no doubt that BA felt bullied by CC.

I have some sympathy with BA's statement that she felt intimidated by CC, given the nature of their emailed discussions in the preceding week and his statement – which BA perceived as threatening – that he would *"take a range of actions that will cause serious, widely-publicised reputational damage and embarrassment, and this will undoubtedly destabilise the pro-cathedral vision."*

It seems credible that BA and TT would have had concerns about a public statement being made by CC at the service and the impact this could potentially have on the joint congregation in attendance and on the relationship between the two churches.

I also have sympathy with CC's statement that he felt intimidated by BA, given the emailed discussions in the previous week which CC understood as a direct attack on his role, responsibilities and position with St Andrew's and the pro-cathedral, St Marys. In addition, CC felt a responsibility to St Andrew's to 'take a stand' as he had been repeatedly told that the provision of music was a 'red line' to the Trustees.

Conclusion

I have found insufficient evidence to support the view that CC's behaviour was threatening or intimidating towards BA during the giving of communion on 11.10.20. The evidence supports the view that this was a tense situation for both BA and CC, both of whom have noted their apprehension.

BA has stated that she felt personally threatened by CC and I am satisfied that this is how she genuinely felt, however I have found no evidence of any actions or behaviours by CC that would have posed a threat to BA personally.

The inconsistent statements from witnesses demonstrate a lack of collective recollection and, as only those with a prior knowledge of the situation preceding the service noted any unusual behaviour around CC's taking of communion, it is perhaps the case that there was a high level of anticipation of the potential for 'trouble' and this has had some bearing on the perceptions of those present.

The evidence is clear that CC intended to speak at the end of the service and that this was not something BA or TT would allow. I have sympathy with CC's position and his aim of drawing attention to his situation, however I accept that this would not be acceptable to BA or TT and would be perceived by them as undermining the church and their positions.

Context and Background

In considering what, if any, action would be appropriate to take, it is important to consider the context and background to the events of 11.10.20 in order to ensure a full understanding of the mind-set and motivations of the parties.

It is clear that the events of 11.10.20 were precipitated by TT's instruction to CC that MM would provide the full music for the service on 11.10.20 and that CC was to play no part. The key areas to be established are what agreement existed regarding CC's role in the provision of music at St Mary's and how this agreement was changed by TT's instruction.

What agreement, if any, existed in relation to the provision of music at the pro-Cathedral following the 'merger' of the two churches and congregations.

CC's contract for services notes he is employed to *"direct the musical output of the Cathedral, determine its content, lead the Cathedral choirs, promote membership of the choirs and secure regular new talent and train members as required"*. The contract for services also notes this shall be done *"in discussion with the Provost and in all instances subject to the Provost's instructions and approval"*. The organigram provided by ME notes CC's reporting lines as to IP and then BA. Prior to the closure of St Andrew's, CC had full responsibility and control over the musical offerings and both CC and IP noted their positive working relationship. FvP, IP and ME all confirm CC's significant contribution to worship.

The evidence from all of those involved with St Andrew's confirms the high esteem in which CC was held and the importance of music to the trustees and congregation. Emails show a consistent view that, while other areas were up for negotiation, music was the 'red line' which would not be crossed and the expectation was that CC would continue to play the lead role following the move to the pro-Cathedral.

CC, FvP and BA held a meeting via Zoom on 5 June to discuss the arrangements for music. CC states that BA said the *"wholesale and undiluted" music department and choir would move "lock, stock and barrel"*. CC reported feeling relieved to have this confirmed by BA and that this matched his expectations and what he had been advised by others. At the meeting, CC stated he had shared his hopes for the future development of music at St Mary's and that BA had been enthusiastic.

CC notes BA said provision would have to be made for the musicians and choir of St Mary's and BA had suggested the choir be allowed to join in with hymns but nothing else.

Despite a number of meetings of the Steering Committee to discuss the arrangements for the sharing of St Mary's as a venue, no firm agreement was reached with respect to music. St Mary's had their own organist and choir, as did St Andrew's and it seems clear that this aspect proved difficult to resolve.

Towards the end of August CC drafted a 'Statement of Intent' with regards to the music; basing this on the discussions he had with BA on 5 June. CC said this was intended to be a helpful starting point for discussion and, given the emphasis on music from the trustees of St Andrew's, he understood that this needed to be agreed prior to the move.

CC advised this had caused concern to the congregation of St Mary's as they had not been told that CC was to have responsibility for music. CC said TT had indicated at a meeting with CC and MM that BA was telling them different things.

TT confirmed the statement of intent was not in line with what St Mary's perception of music and that CC was not employed by St Mary's. TT said he and his vestry felt it important that MM had a prominent role. TT recognised the difference between the role carried out by MM in St Mary's and that carried out by CC in St Andrew's.

BA, TT and CC held a meeting on 11.9.20 to discuss the arrangements for music. No formal notes were taken, however CC's own notes say BA suggested MM could perhaps play at the Offertory and that St Mary's would have full responsibility for the music 6-8 Sundays per year. CC advised agreement was reached for all services up to and including Epiphany.

IP noted he was not invited to any of these meetings and had been told he was not able to attend due to the Covid restrictions. IP noted that up to six households were involved in the recording of services and he had been given no opportunity to attend remotely. IP felt this to be a deliberate exclusion of himself rather than a necessary curtailment of attendees.

BA said she felt CC misunderstood his role in St Mary's and that she had made this clear to him in her email of 14.9.20. BA's email notes that she became Provost from 21.9.20 and therefore CC - although employed by St Andrew's - now reported to her. BA's email described her expectations in terms of various types of services which notes *"Low Sundays (when you might be away, quality singers not available - eg during the summer holidays)*. BA notes that TT has canonical responsibility for worship when she is not present. BA also notes *"A key thing for the next period is to make sure in these straightened times with limited music that musicians of differing qualities from the two churches are included - this is a pastoral imperative, affecting more than the musicians themselves."*

BA notes how glad she is that CC is with them and for all he brings to worship.

BA then suggested in an email of 16.9.20 in which the health and safety and hygiene practicalities of worship at St Mary's are discussed *"So - this will mean that we alternate organists on Sundays in the present environment. Another option occasionally will be to use two organs, each played for different elements by a different organist."* This caused concern to CC who raised this with IP and FVP by email.

FVP's response was clear in that this would not be acceptable, noting *"we have to be very determined to get a satisfactory result"*, one of the key provisions being *"you [CC] are in charge of the music and will play whenever you are available, unless at your discretion you organise it otherwise."*

FVP confirmed there was an agreement about how the pattern of services would work and that CC would take charge for most of the year. FVP said it was also in the agreement that the St Mary's organist, MM, would be invited to play and would take over during the choir holidays.

FVP's email to CC of 18.9.20 confirms this, stating *"I advised her [BA] that you could not be kept out of the Cathedral every other Sunday, and she agreed - she wonders whether you might let Matthew play something - say, at the offertory - on the second organ. She agreed you were in charge of the music at all times."*

CC's email to TT of 21.9.20 notes *"I agreed with you and the Bishop on Sep 11th that Matthew will make a small contribution to Sunday morning services, now on the second organ, probably post-Communion, and that in due course Matthew and the St. Mary's Choir will be able to do exactly as they wish musically and in their own right for an agreed number of Sundays per year but certainly no fewer than 6-8."* TT's response thanks CC for his *"very detailed response"* and TT makes no attempt to disagree or contradict CC's understanding in relation to MM's contribution.

In addition, CC wrote to MM on 24.9.20 to confirm the arrangements for music in which CC explains *"I had a meeting with the Bishop and Fr. Terry on 11th September when it was agreed, as you may already be aware, that as organist of St. Mary's Church you should make one contribution to all services in the Pro-Cathedral which parishioners from St. Mary's attend. These will not be live-streamed."* CC requests MM provide him with the details of 5 minutes of music to cover the distribution of communion. This email was copied to TT.

BA and GR have stated that at no time was CC engaged as Director of Music for St Mary's.

It is the case that the order of service produced by TT for 4.10.11 clearly notes CC as "Director of Music" with MM confirmed as "Assisting Organist".

Analysis

In the absence of any written agreement or Statement of Intent, it is clear that all parties relied on the various communications via email and on meetings that were not minuted. This is unfortunate as a clear shared understanding would have clarified matters for all.

The Trustees of St Andrew's, CC and IP are unanimous in their understanding that CC's role would remain unchanged following the move to St Mary's. The evidence shows the high level of importance placed on the continuation of CC's role by the Trustees in noting this as a 'red line' and something not up for negotiation.

The emails sent by CC to TT and MM regarding music on 21.9.20 and 24.9.20 reflect that understanding and TT did not contradict these at the time. This would suggest TT accepted the arrangements as understood by CC at the time.

BA's email to CC of 14.9.20 lacks clarity over the specific question of who is to do what, but appears to suggest CC playing a lead role in all services, with the exception of 'Low Sundays' when CC may be on holiday. This would appear to align with CC's recollection of BA saying the "wholesale and undiluted music department and choir would move from St Andrew's to St Mary's.

It seems clear that the vestry of St Mary's anticipated a higher level of involvement in music than was understood by CC or St Andrew's, although TT did recognise the difference between the roles carried out by CC and MM. MM holds a contract with St Mary's to play every Sunday and clearly this would be impacted by the sharing of facilities and CC's role in providing musical direction for St Andrew's.

As a cathedral, St Andrew's clearly had a higher quality of, and emphasis on, music and the natural expectation was that this would take the lead in the pro-Cathedral, with the Director of Music, CC, taking the lead role. St Mary's, with its existing organist and choir would naturally have anticipated a role and the difficulty appears to have been a lack of clarity from BA as to her expectations.

Conclusion

I have found evidence to support the view that CC was justified in his expectation that his role would remain unchanged; that the evidence shows he had the full support of the trustees and that this was something they considered to be non-negotiable. His expectations are clearly outlined in his emails and TT at no point queried or contradicted this. TT noted CC as "Director of Music" and MM as "Assisting Organist" in the order of service for St Mary's on 4.10.11.

The lack of formal agreement regarding the provision of music is regrettable. CC did attempt to provide some clarity but this was rejected by St Mary's Vestry as not meeting with their expectations. With the Joint Steering Committee unable to come to any agreement about the provision of music, this left CC and MM – both holding contracts to provide music to their respective congregations – in an untenable position which, to my mind, was undoubtedly likely to lead to some conflict.

The failure here seems to lie with a lack of clear guidance and management. The evidence shows CC was consistent and open regarding his expectations of his role and responsibilities and that he was supported entirely in this by the Trustees of St Andrew's. It appears there may have been a lack of consistency with regard to what was said by BA to TT and CC in relation to this and that this has contributed to the lack of a shared understanding.

What happened in the week leading up to 11.10.20

The evidence from all shows that the first two weeks' services at St Mary's following the closure of St Andrew's went smoothly. BA presided over the first on Sunday 27.9.20, with CC providing the majority of the music. TT presided over the second on 4.10.20, with CC again providing the majority of the music. MM provided the music during Communion.

CC advised he had been contacted by TT on 5.10.20 with a request for the order of service for 11.10.20 as TT wanted this fixed up asap. CC had responded saying he would get this to TT in the next 24 hours and asking if there was a specific cut-off. TT had replied that he wanted it by lunchtime Wednesday, but "ASAP please".

CC then received an email on 6.10.20 from TT noting "*The service will differ from the live service on Sunday as I would like Matthew to play all the music, which will include Louisa who will sing the Kyrie. Effectively you can have the day off, but I would be very pleased if you could join us for the service if you are free. I would also like you to think about allowing Matthew to have more inclusion in our Sunday services and would be happy to hear your thoughts on that.*"

CC advised he had serious concerns about this as the arrangements on 11.9.20 had clearly outlined the plan for services up to 6 January. CC had emailed IP and some of the trustees to share his concerns.

Following advice from FvP and IP, CC responded by email to TT noting his "*surprise and disappointment*" and suggesting that any proposals to alter the agreement made on 11.9.20 should be discussed at the joint Steering Committee meeting which was due to take place on the Thursday of that week, with music being a 'main subject' of the meeting.

CC sent a further email to TT on 7.10.20 copied to the trustees. In this email, CC provided the music details for Sunday morning and reminded TT that he has booked choral singers up to the end of October; highlighting the financial obligations of this and the unsuitability of proposed short notice changes to the arrangements. In this, CC notes MM as playing during Communion.

TT's response is that "*there has been no consultation with me*" regarding the times and dates planned for singers and that he has decided to allow MM to arrange and play all of the music on Sunday. TT notes he does not feel MM playing one piece of music is a "*fair balance*". TT suggests they can discuss further on Friday.

CC responded to this by email noting that he has full responsibility for the resourcing and music at pro-cathedral services and that this was the one "*immutable understanding on which St Andrew's agreed to enter into this arrangement*". CC points out the financial, contractual and "*fair play*" implications of changing things at short notice and notes that no one has informed him that TT has the authority to overrule his position as Director of Music. CC noted he wanted transparency and openness and that he has no intention of operating "*in an ad hoc way*". CC suggests they "*draw a line under this blip*" and discuss at the Zoom meeting on Thursday.

TT responded noting he has recommended there will not be a meeting of the Steering Group due to some members providing apologies and that he has suggested when the meeting is reconvened, this will be limited to Steering Group Members only. TT noted he feels privileged to work with CC and that he wanted MM to cover the coming Sunday only and that he wants an opportunity for MM to do more. TT confirms he will proceed with his plan to have MM provide all the music and that he hopes they can "*put this behind us and move on*".

CC then wrote to the Trustees expressing his concerns and, following advice from the Trustees, emailed TT to say that no cathedral Director of Music would accept being deposed at a few days' notice, in violation of his contract and the agreement reached and noting his intention to play on the Sunday and to bring his choral scholar with him.

TT then responded saying he is confused as regards CC's intentions and referring to his email of 6.10.20. TT notes he hopes CC will respect his decision for "this one day" and asks for confirmation that CC has advised the choral scholar that she will not be required.

CC replied noting there is no confusion and that he intends to play on Sunday "in line with my contract, the direction of the Bishop, the wishes of the Trustees and my role as Director of Music". CC noted if TT chose to overrule him, he would be forced into "Plan B" which would involve "making everyone publicly aware of how I'm being treated".

CC then emailed BA - copied to the Trustees and to TT - to advise her of the situation and of his plan to speak publicly at St Mary's should TT fail to recognise prior agreements and his position. CC noted the potential for reputational damage and embarrassment and that he wishes to draw a line under this and to continue fulfilling his contractual role.

CC then received an email from GR outlining Canon law and confirming TT has authority to decide what happens within St Mary's.

TT sent CC an email asking him to return his keys for St Mary's church to IP.

BA responded to CC's email noting she is "greatly shocked and saddened by the threatening tone of the emails" and noting that she appreciates the stress caused to both congregations but that it is not acceptable and not compatible with Christian service for one member to threaten other fellow church members. BA asked CC to send emails to herself and TT withdrawing all threats unconditionally by 5pm that day. BA asked CC not to attend St Mary's on 11.10.20 or until such time as a meeting had taken place between BA, CC and the clergy team.

CC responds advising of his intention to speak at the end of the Service – as per TT's invitation of the previous week.

TT said he was unhappy about the extent to which MM's role had been reduced and that it had been noticed by the vestry and congregation that MM's role had been undermined. TT notes he raised this with BA and CC however this was not confirmed by either.

CC notes he felt obliged to take some firm action to protect his role, feeling as though the future of St Andrew's as a whole was at risk. CC notes he had been advised that BA was a bully before he took up position at St Andrew's and that he felt it important that he should not become a victim of this.

BA sent an email to CC on 12.10.20 noting CC's "aggressive and threatening behaviour towards me and Fr. TT is totally unacceptable". BA notes that she has no option but to request CC has no further involvement with the provision of music at St Mary's and that this decision is final. BA notes both she and TT do not wish to have any further contact with CC.

Following advice from the trustees, CC submitted an apology to BA. FvP noted this was a slightly watered down version from the draft he had provided for CC's use. CC received no response from BA to his emailed apology.

Analysis

The situation was precipitated by TT's email of 6.10.20 informing CC that he was not required to play on 11.10.20. This appears to have been the result of a rather quick change of heart given TT's request to CC on 5.10.20 to provide the order of service for 11.10.20. It is unclear why TT changed his mind and why he felt it necessary to exclude CC from the service entirely.

The evidence shows TT was aware that music was of great importance to St Andrew's and TT's lack of objection to the emails of 21.9.20 and 24.9.20 in which CC made his understanding about his and MM's role and input to the services very clear, suggests TT had previously accepted the contribution of MM during the joint services.

TT advised that the vestry and congregation had been disappointed with the level of input MM had to the services and it may have been that TT was under pressure to give MM a greater role.

Given the well documented sensitivities around the arrangements for music, and the embryonic relationship between the two churches, it seems credible that TT would have been well aware that his actions in proposing to make sweeping changes at short notice were unlikely to be well received. ME noted his view that this should have been put to the Joint Steering Committee for discussion.

From the evidence provided, it seems that TT's decision to unilaterally impose changes to the service to omit CC entirely from any contribution at short notice was unfortunate and, had TT taken an alternative and more conciliatory approach, this whole situation could have been avoided. I have sympathy with TT's position in attempting to appease his vestry and congregation who were feeling the loss of MM but I do feel that TT's actions undermined the emergent relationship between the two congregations and undeniably caused huge distress and upset to CC and to the Trustees of St Andrew's.

CC has expressed the view that TT was "the messenger" and that the person behind the decision to remove his responsibilities on 11.10.20 was BA. CC believes this must be the case as TT was making arrangements with CC for the service only 24 hours before the complete turn-around to saying MM would provide all music. I have found no evidence to support this; however this does appear to have been a shared understanding by the trustees.

BA said she had no option but to support her priest and this may also be the case. Under canon law, TT has ultimate authority over what happens when BA is not presiding and, should TT have come to the decision independently, it would be understandable that BA felt the need to support him.

IP noted he had appealed to both TT and BA to speak with CC but this did not happen. IP also notes that his regular coffee with TT was cancelled at the last minute, perhaps indicating that TT did not wish to meet with IP and to have to deal with a discussion about the arrangements for the service.

Given the lack of evidence, it is impossible to say with certainty who made the decision and why. The fact is that the decision was made and that the lack of any prior communication, the sudden change to arrangements and the change to the agreement that CC understood was in place caused distress, alarm and consternation for CC and for the trustees.

The evidence from the email trail notes CC attempting to 'hold his ground' whilst also initially being conciliatory. The tone of the emails changes as it becomes clear that TT will not alter his decision or enter into discussions regarding it; with CC clearly feeling it necessary to be more forceful in his approach to defend his position.

The fact is that canon law provides that TT had the authority to make the decision. I have sympathy with CC's position in that his contract lay with St Andrew's and he had been advised that he now reported to BA. His relationship with TT was therefore undefined and it would have been natural for CC to question the decision and to seek the support of his employers and BA.

The reliance on email has been hugely unhelpful and has allowed matters to escalate in a way that perhaps would not have happened had the decision been addressed via conversation. This left CC with no means of understanding the reason behind the decision or the potential impact this had on his role in the future.

CC's comments relating to involving the press (likely causing reputational damage to the church) appear ill-advised and have been unhelpful. CC's comments have been perceived by BA as a direct 'threat' and I have sympathy with BA's view that these comments were unacceptable.

I also have some sympathy with CC's view that he felt he had no means of supporting and protecting his position without invoking some 'outside pressure'. CC felt his position to be under threat and, with it, the entire future of St Andrew's. CC's understanding of this appears to be a direct result of the

statements from the trustees about music being the 'red line' and that the cathedral's future rested on their ability to provide quality music and on CC's direct contribution.

Conclusion

The evidence shows that there was a sudden and unexpected change to the musical arrangements on 6.10.20 for the service on 11.10.20 effectively removing all contribution from CC and allowing MM full responsibility for all music.

There were no face to face discussions around this and things deteriorated due to the reliance on email and lack of opportunity to discuss and come to agreement. TT's insistence on relying on his canonical authority and failure to engage in discussion appears to have been the catalyst. BA's unilateral support of TT combined with GR's email noting canon law have all provided CC with a 'brick wall' against which he had no redress.

The church is an unusual organisation in that the normal managerial processes are limited and the hierarchical structure appears to be unquestionable in its authority. CC would have been well aware of this, given his background and experience, and this would suggest that CC should have known to accept TT's authority and decision.

That said, it appears normal practice in the majority of cathedrals where a Director of Music is engaged for the Director of Music to have responsibility for the choosing and provision of music and for their position to be respected by all. In choosing to depose CC from his role with little notice and to replace him with a young student of music, TT showed a lack of respect towards CC and his position. Given the tensions and sensitivities around the shared worship and loss of St Andrew's, I would have expected a little more understanding from all concerned.

The evidence shows that CC's suggestion that he would share his experience with the press and others was inflammatory and only served to heighten the tensions.

Recommendations

Having considered all the evidence, I have found insufficient grounds to recommend termination of CC's contract. I have found evidence to support the view that CC actions in suggesting he would share his experience with the press were ill advised and it may be that the trustees would wish to ensure that any future disagreements are effectively dealt with internally and that CC is given firm instructions to support this.

My thoughts are that this is a situation that got out of hand as a result of a lack of and poor communication. It is clear to me that an agreed Statement of Intent with regard to the provision of music would have negated all the issues within this report and this failure does not lie with CC but with the Joint Steering Committee and ultimately with BA.

My recommendation would be that reconciliation is sought between all parties and that this may be achieved via mediation. My suggestion would be that a formal mediation managed outwith the church would be preferable to ensure a lack of bias and that the mediation remains focused on relationship building and not on canonical structure or rules. This would ensure a more open discussion that may otherwise be available.

I am aware that BA has noted that she would not mediate and that she considers CC's actions to be "unforgiveable". I find this difficult to reconcile with the Christian values espoused by the church and feel that the concept of "forgiveness" is much embedded in the Christian faith. As such, I remain hopeful that BA would be open to considering reconciliation as a means to restoring relationships with CC and with the wider congregation and board of St Andrew's. I am aware from IP that BA was agreeable to mediation in order to address their relationship issues and therefore she may be amenable to extending this to CC also.

CC initially noted his desire for reconciliation and mediation but has since noted he feels his is a victim of bullying from BA and, as such, any reconciliation would have to be cognisant of this and to take account of his experience. I understand that an investigation into claims of bullying is now underway and it would be my hope that this investigation would provide CC with the comfort necessary to enable him to enter into mediation and ultimately reconciliation with BA.

Risks

The trustees were concerned about any risks as a result of taking action against CC. As noted above, it is my view that the evidence suggests any action should be limited to a discussion and reassurance that internal matters should be dealt with as such. Regardless, I feel it useful to provide an overview of the legal position for completeness.

CC holds a contract for services which means he is not an employee. As such, he does not have any of an employee's normal statutory rights such as unfair dismissal etc. The right to claim unfair dismissal only becomes valid after completion of 2 years' service and CC has slightly less than one year's service at present.

CC's contract allows for this to be ended by either party for any reason giving 3 months' notice. It also allows for the contract to be terminated immediately should CC violate this in any way. **I do not believe the evidence of this investigation would amount to a violation of contract such to warrant termination without notice.**

During my discussion with BA, she noted she would accept nothing less than the termination of CC's contract and suggested that his entitlement to three months' notice could potentially be enhanced as a 'sweetener'. While this would be entirely legal and possible, the risk here is that any 'sweetener' provided would potentially indicate the reasons for termination were not entirely justifiable.

The situation is complicated by the recent press releases in The Times. BA has advised that she has evidence that CC contacted The Times and has provided an email from The Times dated 7.1.20 from Mark Horne (Reporter) to Donald Walker in which MH notes 'CC states' and provides an overview of the article they intend to publish. BA advised the Council of Bishops were of the view that The Times article was a direct result of CC's contacting them.

CC has denied this strenuously and has, in turn, noted slanderous comments made about him which suggest he has resigned from his post. CC advised he has taken legal advice as to his position and would intend to defend himself vigorously should any further allegations be made.

Lord Glenarthur confirmed that he spoke to The Times and that this was on the basis of his feeling he had been 'lied to' by BA when she had advised him all was well with St Andrew's sharing St Mary's facilities on the day after BA had told CC he was not welcome back and should cease contacting her and TT entirely.

It is unfortunate that the press have become involved as this could potentially result in all parties become more entrenched in their positions as a result.

Should the trustees wish to retain CC as Director of Music, there is a real risk that BA may refuse to enter a church in which CC is based and therefore St Andrew's would never regain its status as the cathedral. Should the trustees choose to end their contract with CC, there is a real risk that St Andrew's becomes 'untouchable' and, although they may regain BA's blessing to become the cathedral once the necessary repairs are carried out, they are unable to sustain this due to the lack of income opportunity as a result of being unable to recruit suitably experienced musical directors.

From my discussions, it appears there is a risk that St Andrew's may never in fact reopen and therefore both risks above would be negated entirely. This is as yet to be established without doubt and therefore it appears reasonable to work on the assumption that the building at King St will reopen in some capacity in the future.

My view is that the greatest risk is of that to the church as a whole of appearing to be “unforgiving” and failing to practice what it preaches. The current investigation into bullying is already known and reported in the press. That being the case, it is likely that any outcome will be of interest to the press and therefore the wider public.

My view therefore is that it is essential that egos are set aside in this case and reconciliation attempted in a fully open and proactive manner in order that the individuals are able to find peace with each other and the church is able to demonstrate publicly its commitment to forgiveness, peace and second chances. This is the only possible outcome I can suggest that appears able to bring about a sense of calm and to restore focus to shared worship and positivity.

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