

ANTI-BULLYING AND HARASSMENT POLICY

Preventing Bullying and Harassment in the Diocese of Rochester

Statement of Commitment

The Word of God has much to say about how we behave and how we treat one another, for instance in Romans 12, Paul tells us to be devoted to one another, to honour one another, to live in harmony with one another. Based on these Biblical principles, the Diocese seeks to foster relationships of the utmost integrity, truthfulness and trustworthiness, and to provide a supportive, caring environment in which the wellbeing of individuals are respected and each person is treated with dignity at all times.

It is from this basis that we provide the Anti-Bullying and Harassment Policy and a Code of Conduct as to how the policy should be lived out.

Our Diocese seeks to provide a supportive, caring environment in which the rights of individuals are respected, and each person is treated with dignity and courtesy at all times. Any suggestion of abuse, bullying and harassment, either within the Diocesan Office or in Parishes must be taken seriously and complaints thoroughly investigated.

Within the Diocese our commitment is to value everyone involved within church life. While UK legislation covering the protected characteristics of age, disability, race, sex, religion and belief, gender reassignment, sexual orientation, marriage and civil partnership status and pregnancy and maternity sets minimum standards, our determination in the Diocese is to respect diversity and going beyond legal compliance to seek to enhance the value of all involved with Christian ministry throughout the whole Diocese.

Bullying and harassment remain significant issues in our society despite increasing awareness of the problem. Sadly, there are many typical bullying and harassment behaviours which can and do manifest in church life, from unwanted physical contact, unwelcome remarks and offensive written communications, to shouting and persistent unwarranted criticism of volunteers, Office Holders and salaried staff. It is appropriate to record here that research shows that people who are the recipients of these behaviours are more likely to be depressed and anxious, and generally begin to feel worthless and of little value. It is always important to recognise the *perception* of an individual who feels targeted, and it is the *effect* of the harasser's behaviour on the target that is the issue, not the intention or motive of the harasser.

The Equality Act 2010 defines harassment as '*unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*'.

Bullying is not specifically defined in law but ACAS gives the following definition:

'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.

What are bullying and harassment behaviours?

Bullying and harassment may be against one or more people and may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. It can often occur without witnesses. Examples include:

- unwanted physical contact
- unwelcome remarks about a person's age, dress, appearance, sexuality, race or marital status, jokes at personal expense, offensive language, gossip, slander, sectarian songs and letters
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-cooperation and exclusion from social activities
- coercion for sexual favours
- pressure to participate in political/religious groups
- personal intrusion from pestering, spying and stalking
- failure to safeguard confidential information
- shouting and bawling
- setting impossible deadlines
- persistent unwarranted criticism
- personal insults.

Harassment

Harassment on the basis of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation is covered by the Equality Act 2010. A list of the protected characteristics under the Equality Act 2010 are set out in APPENDIX 1. The Equality and Human Rights Commission has published a range of guidance on all aspects of the Equality Act on their website, which Office Holders and Parishes are commended to have an awareness of. The law protects individuals from harassment while applying for a job, in employment and in some circumstances after the working relationship has ended (for example, in connection with the provision of a verbal or written reference). There is also protection for people against harassment on the basis of their membership or non-membership of a trade union.

All employers (including PCCs and the DBF/DBE) may be liable for a claim of harassment between any employees, and might also be liable for a claim of harassment which comes from a third party. Although the government has removed protection for third party harassment from the Equality Act, liability can still arise as a result of other legal duties for example breach of contract, direct discrimination, the Protection from Harassment Act 1997 and so on. These other legal duties and good practice mean that PCCs and the DBF/DBE should continue to take steps to protect any employees or volunteers from all forms of harassment.

Bullying

The legal position with respect to bullying is more complex as there is no separate piece of legislation which deals with workplace bullying in isolation. Bullying might be part of

discriminatory behaviour, see **APPENDIX 2**, or related to a myriad of different legal principles and specific laws, for example:

- breach of contract - usually breach of the implied term that an employer will provide reasonable support to employees to ensure that they can carry out their job without harassment and disruption by fellow workers
- the common law obligation for an employer to take care of workers' safety
- personal injury protection involving the duty to take care of workers arising out of the law of Tort
- Health and Safety at Work Act 1974
- Public Order Act 1986
- Trade Union and Labour Relations (Consolidation) Act 1992 - dealing with special types of intimidation
- Criminal Justice and Public Order Act 1994
- Employment Rights Act 1996 - for example, constructive unfair dismissal
- Protection from Harassment Act 1997
- protection for whistle-blowers under the Public Interest Disclosure Act 1998
- Human Rights Act 1998.

Discrimination may take a number of forms

Direct discrimination – treating people less favourably than others because of an applicable protected characteristic;

Indirect discrimination – applying a provision, criterion or practice which disadvantages or would disadvantage people who share an applicable protected characteristic (and disadvantages the individual complainant), and which is not justified as a proportionate means of achieving a legitimate aim;

Associative discrimination – direct discrimination against someone because they associate with another person who possesses an applicable protected characteristic;

Perceptive discrimination – discrimination against an individual because they are mistakenly perceived to possess an applicable characteristic.

Victimisation – subjecting someone to a detriment because they have done (or the perpetrator believes they have done or may do) a “protected act”, e.g. made a formal complaint of discrimination or given evidence in a tribunal case.

Despite increasing awareness of the problems of bullying and harassment, and discrimination and victimisation, these behaviours are still a significant workplace issue. (*The term “workplace” is used broadly here and incorporates all areas where the Office Holder and laity are required to perform duties*). Parishes are advised to have in place a robust and well communicated policy that clearly articulates its commitment to promoting dignity and respect at work.

Importantly, all individuals, be they clergy or laity, also have a responsibility to behave in ways which support a non-hostile working environment for themselves and their colleagues. PCCs should play their part in making their church’s policy a reality and be prepared to

challenge inappropriate behaviour and take action if they observe or have evidence that someone is being bullied or harassed.

PCCs should be mindful that individuals can be personally liable to pay compensation and can be prosecuted under criminal as well as civil law.

Both at diocesan level and within parishes, responsibilities may extend to any environment where work-related activities take place. These can include social gatherings organised by the "employer" such as working parties or outings. It is important to note that an employer could be liable for events which take place on these occasions unless they can show they took reasonable steps to prevent harassment. In managing bullying and harassment at work, Parishes and Office Holders are advised to be especially aware of 'cyber bullying'. Detrimental texts sent via mobiles or images of work colleagues posted on external websites following Parish events could amount to bullying. Employers and individuals can be ordered to pay unlimited compensation where discrimination-based harassment has occurred, including the payment of compensation for injury to feelings.

Dealing with Complaints

It is vital that any complaints should be dealt with promptly. Some may be dealt with internally and informally. The agreement of the complainant needs to be obtained as to how the complaint will be addressed.

In minor cases, it may be sufficient for the potential complainant to raise the problem with the alleged perpetrator, pointing out the unacceptable behaviour. But if someone finds this difficult or embarrassing, procedures should enable support from a Parish, Office Holder or Diocesan colleague. A choice of contact should be available in case the person's manager is the alleged harasser.

Mediation

Mediation helps improve relationships between people, reduce or eliminate the stress involved in more formal processes and avoid the costs involved in defending employment tribunal claims. Mediation is an additional tool to deal with disagreements between individuals in the workplace. It is often described as a form of alternative dispute resolution as it's less formal than grievance and discipline procedures and employment tribunals.

Mediation seeks to provide a speedy solution to individual workplace conflict, and can be used at any stage of a disagreement or dispute. The process is flexible and voluntary, and any agreement is morally rather than legally binding. The process aims to provide a safe, confidential space for those involved (the 'parties') to find solutions that are acceptable to each side. Specifically, mediation provides the potential to:

- help parties involved in conflict to understand and empathise with each other's emotions and situations
- explore the issues and concerns of all parties and use joint problem-solving to find a solution that each side feels is fair
- encourage communication and establish workable relationships
- help participants develop the skills to resolve workplace difficulties for themselves in future.

A professional or trained mediator's role is to act as an impartial third party who facilitates a meeting between two or more people in dispute to help them reach an agreement. Although the mediator is in charge of the process, any agreement comes from those in dispute.

If necessary, the Diocese can provide details of a professional mediator who Parishes might employ should the need arise. It is important to remember that mediation is preferable to more formal legalistic processes in a number of ways:

1. It makes parties less, rather than more, entrenched in their views and thus more open to compromise.
2. It is less stressful for those involved.
3. It avoids the costs involved in defending employment tribunal claims.

Parishes should have a clear formal policy to deal with all types of grievances and disciplinary issues, including bullying and harassment and this should comply with the ACAS Code of Practice on disciplinary and grievance matters.

Standards of behaviour

Those with pastoral responsibilities for clergy in this Diocese, the Bishop and Suffragan Bishop, Archdeacons and Area Deans, recognise the importance of setting a good example and undertake to participate in any training provided in support of this policy.

The Diocese recognises the importance of setting a good example by all leaders, both clerical and lay, in the life of the Diocese. It undertakes to provide training to support this policy if required.

Office holders, including Self Supporting Ministers, recognise the importance of setting a good example and undertake to participate in any training provided in support of this policy.

Licensed Lay Ministers recognise the importance of setting a good example and undertake to participate in any training provided in support of this policy.

The laity of this Diocese should recognise the importance of setting a good example and be willing to participate in any training provided in support of this policy. This would apply particularly to Churchwardens and PCC members.

Communication and training

Working together, the Director of Formation and Ministry and the Chair of the Diocesan HR Group are responsible to the Bishop's Staff for encouraging and monitoring the implementation of this policy. They will ensure that it is included in the Bishop's Guidelines and that suitable resources to facilitate discussion and promote understanding are available for use by PCCs, Deaneries and other groups.

Support and guidance

The Diocese is committed to providing appropriate support and guidance to members of clergy or laity who feel that they have been in receipt of unacceptable behaviour. If you would like to identify appropriate support please contact, in the first instance, the Diocesan Secretary.

Confidentiality

It is Diocesan policy that these matters are to be treated with confidentiality and that no action will be taken without the knowledge and consent of the person who feels he or she has been subject to unacceptable behaviour.

Fair procedures

It is possible to follow either an informal route or formal route if wishing to make a complaint of bullying or harassment. The informal route normally involves making it clear to the alleged perpetrator that the behaviour offends and that the potential complainant wants it to stop. This could be done by letter or email, if a face-to-face confrontation is too difficult in the first instance, and professional support would be available. This route may stop any offensive behaviour quickly and effectively.

However, there is also the choice of the formal route, which is likely to involve setting out details of the complaint in writing with specifics as to dates and times and an account of what the bullying or harassment is alleged to consist of. The complaint should then be investigated by the PCC as promptly as possible.

When both the alleged perpetrator and the potential complainant are Office Holders under common tenure, complaints of bullying or harassment may, with the potential complainant's consent, be brought under the Grievance Procedure detailed in the Bishop's Guidelines.

However, when the alleged perpetrator is an Office Holder, it may be more appropriate if the potential complainant, or an Archdeacon, make a complaint under the Clergy Discipline Measure 2003. These actions should, however, only be pursued once all other routes have been explored.

When the alleged perpetrator is a lay person and the potential complainant is either ordained or lay, complaints of bullying or harassment should be dealt with in the most appropriate way according to the circumstances.

In any case resulting in a formal complaint the appropriate body may undertake a full investigation. A process for this investigation is outlined in Appendix 1.

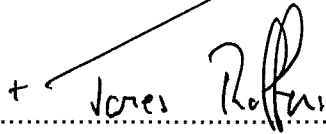
False accusation

False accusations are a serious matter. The behaviour of anyone who is found to have made an unfounded, deliberately malicious complaint or allegation will be regarded with the utmost seriousness and where possible formal action taken. In the case of a clergy person this may be a complaint under the Clergy Discipline Measure 2003.

An Office Holder or member of the laity could be subject to an action for defamation if they have made false accusations against someone else.

This policy was approved by Bishop's Council on 9 June 2018 and adopted by Diocesan Synod on 23 June 2018, and will be reviewed triennially.

Signed:

+ 

.....
James, Bishop of Rochester

Dated: 29 June 2018

.....

EQUALITY ACT 2010 – PROTECTED CHARACTERISTICS

There are nine characteristics protected under the Equality Act 2010. They are:

Age

A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

Disability

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

EXAMPLES OF BULLYING BEHAVIOUR

- setting out to make someone appear incompetent
- persistently picking on someone in front of others
- deliberate sabotage of work or actions
- displays of offensive material
- use of e-mails to reprimand, insult or otherwise inform someone of their apparent failing, either to the individual or to third parties
- repeatedly shouting or swearing in public or in private
- public humiliation by constant innuendo, belittling and 'putting down'
- personal insults and name-calling
- aggressive gestures, verbal threats and intimidation
- persistent threats about security
- making false accusations
- aggressive bodily posture or physical contact
- talking/shouting directly into someone's face
- direct physical intimidation, violence or assault

The most serious incidents might result in:

- creating an unsafe working environment
- ignoring signs of overwork and extreme stress
- putting someone's health physically, emotionally or psychologically at risk by making them upset, frightened and/or ridiculed.

If you have been accused of bullying or harassment what can you do?

Bullying and harassment are matters that must be taken seriously. An accusation does not signify a judgement that you are guilty, and there will need to be a discussion with you in order to establish the true nature of the situation. It is possible that there might be a problem that has arisen because you have not realised the effect of your actions and you may not have intended the effects complained of.

The perception of the person complaining of bullying or harassment is, however, an important factor in determining whether, or not, bullying or harassment has taken place – simply to deny there is a problem, or that the problem lies with the person complaining won't normally be sufficient.

You are encouraged to contact your area dean, Archdeacon, suffragan or diocesan bishop if you are accused of bullying or harassment. The aim of the person you contact will be to facilitate discussion with a view to resolving the problem at source if possible.

In many cases the problem will be resolved informally through discussion. You will be asked to reflect on your behaviour and the possibility that you might be at fault, whether consciously or not.

The diocese must ensure that any formal procedures are fairly and properly followed. Details relating to the circumstances that gave rise to the complaint, the evidence of witnesses and the nature of the professional relationship between the person complaining and yourself will all be taken into account.

If you are a clergy person or a licensed lay minister accused of bullying or harassing another minister a formal complaint may be made under the Grievance Procedure for Licensed Ministers. If you are a clergy person accused of bullying or harassing a minister or another member of the laity this may be dealt with in various ways depending on your position. A summary of the process is set out in **APPENDIX 4** and the detailed procedure is set out in **APPENDIX 5**.

Throughout any informal or formal procedures, the principal objective is that of identifying the underlying issues and eliminating the cause of the offence as quickly as possible and with minimal recrimination.

As a result of informal or formal action you may be offered help to recognise, understand and modify your behaviour; you are strongly advised to accept this help. Under certain circumstances a refusal to accept help could be a disciplinary issue.

**Recommended Process for Dealing with
Allegations of Breach of the Dignity at Work Policy**

In any case resulting in a formal complaint, the applicable organisation may undertake a full investigation which will involve:

1. talking in confidence to any colleagues who may have evidence relating to the alleged perpetrator's behaviour;
2. endeavouring to persuade any colleagues who may have been witness to the alleged perpetrator's bullying or harassment, or who may have knowledge of it, to give a written statement to that effect;
3. setting up an interview with the alleged perpetrator, allowing him/her the right to be accompanied at the interview;
4. allowing the alleged perpetrator a full and fair opportunity to answer any allegations against him/her and/or explain his/her conduct;
5. assessing objectively whether the alleged perpetrator's conduct appears to have amounted to bullying or harassment;
6. adopting an objective and balanced approach to the information gained as a result of the investigation;
7. avoiding allowing personal views about the complainant or the alleged perpetrator to influence the overall assessment of the conduct under review;
8. checking whether the person suspected of bullying or harassment has received previous warnings for similar misconduct (or other types of misconduct) and, if so, whether any earlier warnings remain active; and
9. keeping confidential records of the investigation and ensure that these are handled in accordance with the Data Protection Act 1998 and General Data Protection Regulation (GDPR)(EU) 2016/679

Procedure for Dealing with a Complaint of Bullying or Harassment

Informal Stage

It may be possible to sort out matters informally. The perpetrator may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and to agree to change it. The person being bullied or harassed may feel able to approach the person him or herself, or with the help of someone in human resources, a manager, trade union representative, a bullying or harassment adviser or another employee. Alternatively, an initial approach could be made on behalf of the person being bullied or harassed by one of these people.

Initially the person being bullied or harassed or their representative should tell the person who is carrying out the bullying or harassment what behaviour is considered to be offensive and unwelcome, and say that they would like it to stop immediately. It should be explained that, if the behaviour continues, a formal complaint will be made to a senior member of clergy, line manager or human resources. A note of the date and what was said and done should be kept. This will be useful evidence if the unacceptable behaviour continues and the person being bullied or harassed decides to make a formal complaint.

Mediation and Restorative Justice

It is recommended that the use of mediation is considered at an early stage before entering formal procedures.

Both mediation and restorative justice are a positive means of addressing issues of bullying and harassment. Whenever possible this route should be used as it is more likely to result in a successful resolution of the issues.

Mediation is about resolving disagreements and disputes. A neutral third party works with those in dispute to help them to reach an agreement. It is a voluntary process and to be successful the participants have to want it to work. (For further information see the Church of England document *Dignity at Work: Working Together to Reduce Incidents of Bullying and Harassment* paragraphs 4.9 – 4.13).

The aim of Restorative Justice is to resolve conflict and repair harm. It encourages those who have caused harm to acknowledge the impact of what they have done and give them an opportunity to make reparation. For those who have suffered harm, it offers the opportunity to have this acknowledged and amends made. (For further information see *Dignity at Work: Working Together to Reduce Incidents of Bullying and Harassment* paragraphs 4.14 – 4.17).

Further details on how to address complaints of bullying and harassment through mediation are set out in **ANNEX B**.

Formal Stage

If an informal approach does not resolve matters, or the situation is too serious to be dealt with informally, the person being bullied or harassed can make a formal complaint by using the appropriate diocesan procedure.

Advice from HR should be sought prior to moving into formal procedures. Information should be provided to HR on the steps that have already been taken to resolve the matter informally.

Formal procedures

There are a number of different diocesan policies and procedures that might apply in situations of alleged bullying and harassment.

When both the perpetrator and the victim are clergy persons or stipendiary licensed lay ministers on common tenure, complaints of bullying or harassment may be brought by the victim under the Clergy Grievance Procedure introduced through the Ecclesiastical Offices (Terms of Service) Regulations 2009.

When only the perpetrator is a clergy person, it may be more appropriate for the victim, or an archdeacon with the victim's consent, to make a complaint under the Clergy Discipline Measure 2003.

Advice will be sought from the Human Resources Adviser about the most appropriate procedure to follow and where it is considered that a complaint might be made under the Clergy Discipline Measure advice will be sought from the Registrar.

When the perpetrator is a layperson and the victim is either ordained or lay, complaints of bullying or harassment may, with the victim's consent, be dealt with in one of a number of ways according to the circumstances.

When the victim is an employee, complaints of bullying or harassment may be brought under the Diocesan Grievance Procedure. When the perpetrator is an employee, upheld complaints will be dealt with under the Diocesan Discipline Procedure.

The table in **ANNEX C** and the flowchart set out in **ANNEX D** summarises the different approaches that might be applied.

BULLYING AND HARASSMENT PROCEDURE – GUIDANCE FOR DEALING WITH FORMAL COMPLAINTS INVOLVING MEMBERS OF THE LAITY

It is the policy of the diocese to use existing procedures to deal with matters of bullying and harassment whenever possible. The appropriate procedures are identified in the table in Appendix C of this document. When the complaint is against a church warden, a PCC member or member of the congregation, the circumstances are outside the remit of existing procedures and the process set out in this Appendix and illustrated in Appendix E should be used.

Therefore, the first stage when receiving a formal complaint of bullying or harassment is to seek advice from the HR Officer as to which procedure applies. If attempts have not already been made to resolve matters informally or use mediation then the HR Officer will explore with those involved whether this is a way forward prior to implementing any formal procedures.

If the complaint is from a member of the clergy then the HR Officer will help to determine whether the issue can be addressed through resolution and reconciliation or whether the complainant is seeking justice and vindication. If it is the latter then an appropriate person should be appointed to investigate.

If the complaint is from a member of the laity then the PCC will need to take advice.

Investigation

When it is advised that this process should apply then an investigation should be undertaken by either an appropriate person appointed by the Bishop, if the complainant is a member of clergy, or an appropriate person appointed by the PCC, if the complainant is a member of laity and an agreed resolution sought.

It must be recognised that this procedure is to be used in circumstances where one of the parties is a member of the laity and therefore although they should be invited to respond to allegations they cannot be required to participate in an investigation or to attend a meeting. Should one of the parties refuse to attend then it might be possible to investigate the matter through correspondence or other means.

If it is not possible to resolve the matter and the investigation indicates that bullying or harassment may have occurred, then a meeting of three representatives appointed by the Bishop or the PCC should be convened. The Bishop or PCC should designate one member as the Chair.

Meeting

All paperwork received (from either party) should be distributed to both parties and the three representatives at least seven days before the meeting.

The investigator should explain his/her findings.

Both parties should be invited to the meeting and given the opportunity to have their views heard separately. As stated above complainants who are not office holders or employees cannot be required to attend meetings or take part in this process.

Consideration should be given to questioning through correspondence if the member of laity is not willing to attend.

Where the parties do attend the meeting there must be an opportunity for the three representatives to ask questions seeking clarification as appropriate.

The representatives should consider the evidence and decide whether the allegation is upheld. The outcome should be communicated by the Chair of the meeting to the parties in writing within seven days.

MEDIATION

It should be borne in mind that seeking legal remedy can be a protracted, costly and painful process, and it is not designed to address the underlying issues. Working to develop a culture that makes it less likely that bullying and harassment will take place, and acting swiftly to nip it in the bud if it does, will help to reduce the need for legal action. For these reasons the priority is to encourage a mediation process to be adopted. Mediation is not legally binding and does not decide who is right or wrong; it allows parties to speak openly and honestly about their disagreements using a third party (mediator) to help them work through their differences.

How it works

1. An individual or group has concerns about being bullied or harassed.
2. They have an informal discussion with the Archdeacon, Diocesan Secretary or HR Adviser.
3. If criminal activity is suspected, the Police will be contacted.
4. If the CDM procedure is to be invoked, the Archdeacon will take this forward after discussion with the Registrar.
5. If neither 3 nor 4 apply and bullying or harassment is suspected, the individual or group will be referred to an Archdeacon if they have not been involved already.
6. The Archdeacon will meet with each party individually (both the person making the complaint and the person to whom the complaint refers).
7. If requested the Archdeacon may speak on behalf of the person making the complaint and try to resolve the issue. This may be possible and if so the process is ended.
8. The Archdeacon works with the parties together to resolve the issues.

Steps 2-8 should be a quick and informal process

9. If the issues are still not resolved, and both parties agree the Archdeacon sets up a meeting with the mediator.
10. The mediation process begins.
 - 10a The issue is resolved and the process is ended
 - 10b The mediation does not resolve the issues and a report is sent to the Bishop that outlines the process followed, but does not divulge the detail of the mediation.

The Bishop decides if he needs to take any action.

Principles of Mediation

It is important to stress that this policy comprises a mediation process. Mediation is a well-established process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution. Mediation has a structure, timetable and dynamics that "ordinary" negotiation lacks. Participation is voluntary and cannot be compelled. The mediator acts as a neutral third party and facilitates rather than directs the process.

Mediation can assist the process of reconciliation as it encourages clarification of what has happened, how it is perceived by the other person and acknowledgement of the depth of anger and hurt. Reconciliation, when possible, involves the rebuilding of damaged relationships for both parties.

Mediation should not be seen as committing people in advance to a particular outcome, but it does require willingness by all concerned to find a mutually acceptable solution. The emphasis is on collaborative problem-solving between those in dispute – 'win/win'.

Mediation is a voluntary process. Unlike arbitration, the third party has no power to impose or even formally recommend a solution. The focus is on the future – rebuilding relationships rather than apportioning blame. It acknowledges feelings as well as facts, to allow participants to let go of anger/upset and move forward.

Mediation is most likely to work when it is used early on and those in dispute want it to work. They must be prepared to be open and honest and to consider working towards reconciliation and a continuing relationship. The process of helping the parties to work through their issues openly is likely to encourage better collaborative working in the future, particularly when time is spent allowing people to explain how they feel about the other's action or just gaining an understanding of what they didn't know or understand.

Mediation is usually much quicker than formal processes and often produces longer lasting and more positive solutions. The greatest benefit is that it allows individuals to control the process and find their own solutions. Nothing is imposed, although a mediator will skilfully guide people through their difficulties and encourage them to look to the future if they become stuck in the past. It generally has a benefit even if agreement is not reached – participants usually have a better understanding of the other, even if they still cannot agree.

Setting up Mediation

In situations where the Archdeacon has not been able to help the parties to resolve the issues, he or she may decide that it would be appropriate to encourage the parties to consider mediation.

This is a voluntary process aimed at resolving the issues. While no-one can be compelled, they would be encouraged to take part to move the process forward.

If both parties agree, the Archdeacon will set up a meeting with a mediator.

The Mediation Process

Mediation helps the parties in the dispute to identify the 'real' issues, to work through them openly and honestly and encourages options for resolution. The mediator is the facilitator and plays an active role in guiding parties through the confidential process in an impartial and empathetic way.

The Stages:

1. Separate meeting with the individual parties

Meeting with the parties individually allows the mediator to:

- explain the process, including their role in it
- explain the parties will set appropriate ground rules together
- begin to build up some trust and rapport
- gain some commitment to the process
- explore the issues of the conflict
- explain and prepare for a joint meeting if both parties give agreement to it; *however it will also allow the mediator to see if mediation is appropriate and if so to consider the best way to continue.*

2. Hearing the Issues

The parties will come together at a mutually convenient time. Ground rules are explored and agreed by all parties. The mediator then allows uninterrupted time for each party to offer their story. Together they set the agenda for the rest of the meeting having pulled out the issues which will form the basis for the discussion.

3. Exploring the Issues

The mediator asks questions of clarity to both individuals, ensuring a fair allocation of time to each party. The mediator may be able to see what the underlying concerns are; help them to discuss these and in particular encourage communication between the parties; get them to look to the future; find out what they hope to achieve and how they can work together in the future. It may be necessary to acknowledge that some differences will not be overcome, in which case they can look at ways to deal with these.

4. Building and writing agreements

Building on what has been said; the mediator will encourage the parties to find solutions or suggestions to deal with the problems. Together they will test the solutions and finally the mediator will sum up areas of consensus and disagreement if some still exist.

The mediator will ascertain whether or not a written agreement is wanted or necessary or if it will be recorded in any way. The mediator will help them to put any agreement together and it will be written and signed there and then.

5. Closure

The mediator clarifies what will happen to the agreement and that it is completely confidential; they must decide who (if anyone) needs to know anything and how that will happen. If no agreement has been reached, the mediator may look at what has been achieved (or not) and the parties may look at what options are now available to them. The mediator will try to ensure that the parties leave with neither feeling an injustice.

The mediator will explain that their role ends here, but may offer a follow up meeting if the parties would find it helpful; if not the mediator may encourage the parties to review their situation in a few months, but encourage them not to leave it if relationships begin to unravel.

If Mediation Fails

If in the opinion of the Archdeacon, the mediation process has failed, he or she will provide a brief report for the Bishop in order to help him consider any appropriate action.

ANNEX C

Situation	Appropriate Procedure	Person Handling the Complaint	Appeal Against Outcome	Action should complaint be upheld
Member of clergy makes a complaint against another member of the clergy.	The complainant may bring a complaint under the Clergy Grievance Procedure.	The Bishop will appoint a suitable person normally the Archdeacon (unless the complaint is against the Archdeacon in which case the Bishop should appoint another suitable	Stage 3 of Grievance Procedure	Discussion with Diocesan Registrar to determine whether the Archdeacon should bring a complaint under CDM.
Member of clergy makes a complaint against a lay employee of the diocese.	The complainant may bring a complaint under the DBF/DBE Disciplinary Procedure.	The Bishop will appoint a suitable person normally the Archdeacon or the Diocesan Secretary	Stage 3 of Grievance Procedure	Employee faces disciplinary action under DBF/DBE Disciplinary procedure.
Member of clergy makes a complaint against a lay employee of the parish.	The procedure set out at Appendix 5 should be used.	Archdeacon or another person appointed by the Bishop carries out an investigation and makes recommendations to resolve the matter.	No appeal stage as such but Bishop and Archdeacon continue to work with the member of clergy to resolve matters.	Bishop takes such action as permitted by ecclesiastical legislation
Member of clergy makes a complaint against a lay member of the congregation	The procedures set out at Appendix 5 should be used	Archdeacon or another person appointed by the Bishop carries out an investigation and makes recommendations to resolve the matter.	No appeal stage as such but Bishop and Archdeacon continue to work with the member of clergy to resolve matters.	Bishop takes such action as permitted by ecclesiastical legislation or if necessary under civil law.

Employee of diocese makes a complaint against another employee of the diocese.	The complaint should be dealt with under the DBF/DBE Grievance Procedure.	Diocesan Secretary (unless the complaint is against the Diocesan Secretary in which case another suitable person should be identified to investigate the matter).	Stage 3 of DBF Grievance Procedure.	Employee faces action under DBF/DBE Disciplinary Procedure.
Employee makes a complaint against a member of the clergy.	The complaint should be dealt with under the DBF/DBE Grievance Procedure.	Diocesan Secretary *	Stage 3 of DBF/DBE Grievance Procedure	Discussion with Diocesan Registrar to determine whether a complaint should be brought under CDM.
Employee of DBF/DBE makes a complaint against an employee of a parish.	The complaint should be dealt with under the DBF/DBE Grievance Procedure.	Diocesan Secretary who should raise the matter with the Chair of the PCC to enable full investigation.	Stage 3 of DBF/DBE Grievance Procedure	Employee faces action under Parish disciplinary procedure.
Employee of parish makes a complaint against a member of the laity.	The complaint should be dealt with under the Parish's Grievance Procedure.	Person appointed by the PCC carries out an investigation and makes recommendation.	No appeal stage as such but PCC continues to work with the employee to resolve matters.	Bishop takes such action as permitted by ecclesiastical legislation.
Member of the laity makes a complaint against a member of the clergy.	The procedure set out at Appendix D should be used unless the Diocesan Registrar advises that it should be dealt with under CDM.	Archdeacon or another person appointed by the Bishop carries out an investigation and makes recommendation.	No appeal stage as such but Bishop and Archdeacon continue to work with the parties to resolve matters.	Further discussion with Diocesan Registrar to determine whether a complaint should be brought under CDM. If the matter does not qualify as CDM then the bishop takes such action as permitted by ecclesiastical legislation.

Member of the laity makes a complaint against a lay employee of the diocese.	The complainant may bring a complaint under the DBF/DBE Disciplinary Procedure.	The Bishop will appoint a suitable person normally the Archdeacon or the Diocesan Secretary	Stage 3 of Grievance Procedure	Employee faces disciplinary action under DBF/DBE Disciplinary procedure.
Member of the laity makes a complaint against an employee of a parish.	The procedure set out at Appendix 5 should be used.	The PCC appoints a suitable person to investigate and make recommendations.	No appeal stage as such but the PCC continues to work with the parties to resolve matters.	Employee faces disciplinary action under the Parish's Disciplinary procedure.

* There may be occasions when it is more appropriate for the Archdeacon to investigate a complaint.

BULLYING AND HARASSMENT ALLEGATIONS AGAINST CHURCHWARDENS, PCC MEMBERS AND MEMBERS OF THE CONGREGATION

