

## **ANTI-BULLYING AND HARASSMENT POLICY**

### **Preventing Bullying and Harassment in the Diocese of Rochester**

#### **Status of this Policy**

The Diocese of Rochester has adopted this policy as a framework for addressing Bullying and Harassment in the Diocese. This framework will operate according to the context i.e., clergy office holders, other role holders, PCC employees, DBF employees or other members of the church.

All PCCs are encouraged to adopt this policy.

#### **Statement of Commitment**

In setting out a golden rule that we should love God and love our neighbours as ourselves, Jesus gave meaning to life and located it in the relationships we form. These are what make us truly human, and people flourish when they are surrounded by the qualities of love. Some of these are: patience and kindness (1 Corinthians 13:4); compassion and humility (Colossians 3:12); generosity, faithfulness, and self-control (Ephesians 5:22-23).

In the Diocese of Rochester, we want to develop these kinds of relationships and to provide a supportive and caring environment in which the wellbeing of each person is respected, and they are 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 some 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.

Bullying and Harassment often arises in the context of an abuse or misuse of power. Where a colleague or office holder is in a position of power, such as a line manager, senior manager or member of clergy, their behaviour can feel more intimidating to the recipient, who may feel powerless to do anything about it and even doubt their own experience. Power imbalances can also occur where there is a difference in age, gender, socio-economic class, or race/ethnic origin. Our Diocese is committed to promoting a culture that minimizes the potential for unhealthy power dynamics by encouraging respect, equality, compassion, transparency and dialogue at all levels.

### **What is bullying and harassment?**

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

Harassment includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Bullying is not specifically defined in law, but ACAS gives the following definition: "Bullying can be described as unwanted behaviour from a person or group that is either; offensive, intimidating, malicious or insulting, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone".

### **What are bullying and harassing behaviours?**

Any behaviour, which could have the potential effect of humiliating, intimidating or isolating an individual or group should be regarded as unacceptable, particularly if it involves a misuse of power.

It is important to recognise that bullying and harassment can occur even when there is no intention or motive – it is the effect of the behaviour on the recipient that is the primary consideration. A person may also be harassed if they were not the intended target, for example a person may be harassed by sexual jokes which are not directed at them personally if the jokes create an offensive environment.

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. Bullying and harassment can often occur without witnesses.

Examples of harassment include:

- unwanted physical contact including touching, pinching, pushing or grabbing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- racist, sexist, homophobic or ageist jokes or derogatory remarks;

- mocking, mimicking or belittling a person's disability;
- Jokes at personal expense, offensive language, gossip, slander, sectarian songs and letters;
- Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet;
- posters, graffiti, obscene gestures, flags, bunting and emblems;
- isolation or non-cooperation and exclusion from social activities;
- pressure to participate in political/religious groups;
- personal intrusion including; pestering and pressure to attend social events;
- spying and stalking.

Examples of bullying behaviours are set out in **APPENDIX 2**

### **The Equality Act 2010**

The Equality Act 2010 provides protection for certain categories of individuals against harassment on the basis of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. A full list of the characteristics which are protected 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 by one of their 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).

Legal liability for bullying and harassment can also arise as a result of other legal duties for example breach of contract, direct discrimination, breach of health and safety legislation/duty of care, the Protection from Harassment Act 1997 and so on. PCCs and the DBF/DBE should therefore continue to take steps to protect any employees or volunteers from all forms of bullying and harassment.

Despite increasing awareness of the problems of bullying and harassment, and discrimination and victimisation, these behaviours are still a significant workplace issue. 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.

### **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.

All members of the church are expected to treat others with dignity and respect.

### **Dealing with complaints**

It is vital that any complaints are dealt with promptly.

The agreement of the complainant should try to be obtained to determine how the complaint will be addressed. The complainant should raise the issue as soon as possible with their line manager, incumbent or other appropriate senior member of management or clergy depending on their role. A choice of contact should be available in case the person's manager is the alleged harasser.

In minor cases, it may be sufficient, if they feel able to do so, for the complainant to raise the problem with the alleged perpetrator, pointing out the unacceptable behaviour. This may however be difficult and there should be no expectation on the complainant to do this. Therefore procedures should enable support from a Parish, Office Holder or Diocesan colleague.

In cases where a complaint has not been made by the victim themselves, but a third party is concerned that bullying and harassment has taken place, advice should be sought from an Archdeacon or HR about how to deal with the matter going forwards. The behaviour must not be ignored.

**In cases where a child or adult who is vulnerable is subjected to bullying or harassment advice should be sought from a DSA/DSO who will advise if the matter should be dealt with as a safeguarding concern. The DSA/DSO should also be consulted in cases involving sexual harassment as the individual may pose a risk to others. The safeguarding team will deal with any cases that are deemed to be spiritual abuse if the allegation is against a church officer.**

## **Process**

### Informal stage

Depending on the circumstances, It may be possible to deal with matters informally. The alleged perpetrator may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and to agree to change it. The person being bullied or harassed may feel able to approach the person themselves, or with the help of an appropriate advocate (the Bishop, Archdeacon or HR may be able to help to identify a suitable person). 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 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 what action was taken 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.

### Formal Stage

Sometimes the informal stage may not be possible or not appropriate in the circumstances, or the situation is too serious to be dealt with informally. If this is the case, or if an informal approach did not resolve matters, the person being bullied or harassed can make a formal complaint by using the appropriate diocesan or Parish procedure.

There may also be occasions where a victim has raised a serious matter, however they do not wish to raise a formal complaint. Advice should be sought from HR about possible ways in which this could be addressed. The Diocese and PCCs have a duty of care to ensure that everyone is treated with dignity and respect and therefore, while it may not always be possible, we should be cautious about not addressing issues where the victim has not given their consent. Victims should therefore be made aware that if their disclosures are serious, formal steps may need to be taken even if the

victim would prefer to deal with the matter informally. This means that absolute assurances regarding confidentiality should not be given.

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.

#### Which policy or procedure should be used?

There are a number of different diocesan policies and procedures or parish policies and procedures that might apply in situations of alleged bullying and harassment. The table in **APPENDIX 5** summarises which policy or procedure might be applicable depending on the circumstances.

When both the alleged 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 alleged 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. However, before making a CDM complaint, the victim should speak to the area dean or archdeacon to explore possible ways of resolving the complaint without invoking the CDM process which is only intended to address serious misconduct rather than concerns about more minor misconduct or concerns that would amount to a grievance.

Advice will be sought from HR about the most appropriate procedure to follow. Where it is considered that a complaint might be made under the Clergy Discipline Measure legal advice may be sought.

When the alleged 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 and dependant on whether the alleged perpetrator holds a role within the parish.

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

When the victim is a Parish employee, complaints of bullying or harassment may be brought under the parish Grievance Procedure. When the alleged perpetrator is a Parish employee, upheld complaints will then be dealt with under the Parish discipline procedure.

Whilst there may be circumstances in which a Parish employee may prefer to use this Diocesan procedure rather than the Parish employment procedures, this will not normally be appropriate because the PCC is legally responsible for the welfare and conduct of its staff and Diocesan officers can only make recommendations to a PCC.

Any outcomes may be limited by the fact that the Diocese has no power to require actions of a PCC or of PCC staff. The PCC as employer is ultimately accountable to the courts and tribunals for acts of those under its control and it holds the applicable insurance cover.

### **Complaints against a member of laity – Laity Complaints Procedure**

For complaints against members of laity, it can be very difficult to reach a suitable resolution for all parties as there is no formal process to which they are accountable. The following process details the steps that can be taken in these circumstances.

When the complaint is against a church warden, a PCC member, LLM or member of the congregation, the circumstances are outside the remit of existing procedures described in **APPENDIX 5** and the process set out here and illustrated by the flow chart set out in **APPENDIX 6** should be used.

Therefore, the first stage when receiving a formal complaint of bullying or harassment is to seek advice as to which procedure applies.

When it is advised that this Laity Complaints Procedure 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 they decline to do so. Should one of the parties refuse to attend, then it might be possible to investigate the matter through correspondence or other means.

#### The investigation

It will be necessary for the appointed person to meet with the complainant to fully discuss the complaint made and to ask questions. This will help to determine any other parties that may need to be spoken to, including the alleged perpetrator.

If the allegations are against an employed member of staff, and are of a serious nature, the initial investigation may result in moving immediately to a disciplinary process.

Parties should be invited to a meeting, in writing, detailing the purpose of the meeting. As much information as possible (subject to Data Protection rights) should be distributed to both parties in advance of the meeting, giving them appropriate time to read and prepare for the meeting.

Both parties should be given the opportunity to have their views and responses heard. 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 a person is not willing to attend.

A full investigation will include the following:

1. talking to the complainant/ victim of the behaviour;
2. talking in confidence to any colleagues who may have evidence relating to the alleged perpetrator's behaviour;
3. encouraging 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;
4. setting up an interview with the alleged perpetrator, allowing him/her the right to be accompanied at the interview;
5. allowing the alleged perpetrator a full and fair opportunity to answer any allegations against him/her and/or explain his/her conduct;
6. assessing objectively whether the alleged perpetrator's conduct appears to have amounted to bullying or harassment;
7. adopting an objective and balanced approach to the information gained as a result of the investigation;
8. avoiding allowing personal views about the complainant or the alleged perpetrator to influence the overall assessment of the conduct under review;
9. 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
10. keeping confidential records of the investigation and ensure that these are handled in accordance with the Data Protection Act 2018.



## Meeting of representatives

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.

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.

See Illustration in **APPENDIX 6**

## **Mediation**

A possible recommendation following an investigation, if appropriate, is for parties to engage in mediation. Mediation could be used at the informal stage or later, following the findings of a formal investigation or disciplinary process.

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.

### **Communication and training**

Working together, the Director of Formation and Ministry, Chair of the Diocesan HR Group and HR & Governance Manager 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**

Experiencing Bullying or Harassment or being the subject of a complaint can be very stressful and distressing. The Diocese is committed to providing appropriate support and guidance to members of clergy or laity. If you would like to identify appropriate support please contact, the Diocesan Secretary, your Archdeacon or the HR & Governance Manager.

### **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 where possible, consent of the person who feels he or she has been subject to unacceptable behaviour. It is important to note, however, that certain documents may need to be disclosed if formal procedures are instigated, in the interests of fairness to all parties, and that there are rules about disclosure of documents which apply in respect of any court or tribunal proceedings.

## **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. This includes vexatious complaints; if a complaint is pursued where it is found that the intent is solely to harass, annoy or subdue someone without merit or foundation. 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 xxx and adopted by Diocesan Synod on 4 November 2023 and will be reviewed triennially.**

**This policy may be updated from time to time subject to legislative updates and changes to policies or role holders referenced within this policy.**

Signed:

Date: 4 November 2023

A handwritten signature in black ink, appearing to read 'The Rt Revd Dr J R Gibbs', written in a cursive style.

The Rt Revd Dr J R Gibbs  
Bishop of Rochester

**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
- overbearing and intimidating levels of supervision or inappropriate derogatory remarks about someone's performance.
- failure to safeguard confidential information
- setting impossible deadlines
- persistent unwarranted criticism
- isolation or non-cooperation and exclusion from social activities

#### *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 earlier in this policy.

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.

## 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.
  - 10c 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 skillfully 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.

## APPENDIX 5

<b>Situation</b>	<b>Appropriate Procedure</b>	<b>Person Handling the Complaint</b>	<b>Appeal Against Outcome</b>	<b>Action should complaint be upheld</b>
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	Consideration of whether the Archdeacon should bring a complaint under CDM.
Member of clergy makes a complaint against a lay employee of the diocese.	A complaint may be brought under the DBF/DBE Disciplinary Procedure.	the Diocesan Secretary will appoint a suitable person, normally the line manager.	Stage 3 of Disciplinary Procedure	Employee faces disciplinary action under DBF/DBE Disciplinary procedure.
Member of clergy makes a complaint against a lay employee of the parish.	A complaint may be brought under the Parish Disciplinary Procedure	The PCC will appoint a suitable person.	The appeal stage of the Parish Disciplinary Procedure	Employee faces disciplinary action under the Parish Disciplinary Procedure
Member of clergy makes a complaint against a lay member of the congregation	The Laity complaints procedure set out in this policy 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.

Situation	Appropriate Procedure	Person Handling the Complaint	Appeal Against Outcome	Action should complaint be upheld
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 or another appropriate person appointed by the 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 /DBE Grievance Procedure.	Employee faces action under DBF/DBE Disciplinary Procedure.
Employee of Diocese makes a complaint against a member of the clergy.	The complaint should be dealt with under the DBF/DBE Grievance Procedure.	Diocesan Secretary*  * There may be occasions when it is more appropriate for the Archdeacon to investigate a complaint.	Stage 3 of DBF/DBE Grievance Procedure	Consideration of whether a complaint should be brought under <b>CDM</b> .
Employee of Diocese 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.

<p>Member of the laity makes a complaint against a member of the clergy.</p>	<p>The Laity complaints procedure set out in the policy should be used unless the Diocesan Registrar advises that it should be dealt with under <b>CDM</b>.</p>	<p>Archdeacon or another person appointed by the Bishop carries out an investigation and makes recommendation.</p>	<p>No appeal stage as such but Bishop and Archdeacon continue to work with the parties to resolve matters.</p>	<p>Consideration of whether a complaint should be brought under <b>CDM</b>.</p> <p>If the matter does not qualify as CDM then the bishop takes such action as permitted by ecclesiastical legislation.</p>
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Situation	Appropriate Procedure	Person Handling the Complaint	Appeal Against Outcome	Action should complaint be upheld
Member of the laity makes a complaint against a lay employee of the diocese.	A complaint may be brought under the DBF/DBE Disciplinary Procedure.	Diocesan Secretary will appoint a suitable person	Stage 3 of Disciplinary Procedure	Employee faces disciplinary action under DBF/DBE Disciplinary procedure.
Member of the laity makes a complaint against an employee of a parish.	A complaint may be brought under the Parish Disciplinary Procedure.	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.
Employee of a parish makes a complaint against member of the clergy	The complainant should be dealt with under the Parish Grievance Procedure	The PCC in consultation with the Bishop appoints a suitable person to investigate and make recommendations.	No appeal stage as such but the PCC and Bishop continue to work with the parties to resolve matters.	A complaint may be brought under CDM or the Bishop takes such action as is permitted by ecclesiastical law.
Member of Clergy makes a complaint against a member of laity	A complaint may be brought under the parish Grievance procedure	The PCC in consultation with the Archdeacon appoints a suitable person to investigate and make recommendations	No appeal stage as such but the PCC and Archdeacon continue to work with parties to resolve matters.	Bishop takes such action as permitted by ecclesiastical legislation.
Member of Clergy makes a complaint against the Bishop	The complainant may bring a complaint under the Clergy Grievance Procedure.	In consultation with the Archbishop, a suitable person will be appointed	Stage 3 of Grievance Procedure	Consideration of whether a complaint should be made under CDM.
Employee of the Diocese makes a complaint against the Bishop	The complaint should be dealt with under the DBF/DBE Grievance Procedure.	Diocesan Secretary	Stage 3 of DBF/DBE Grievance Procedure	Consideration of whether a complaint should be brought under <b>CDM</b> .
Member of Laity makes a complaint against the Bishop	Laity complaints procedure	In consultation with the Archbishop, a suitable person will be appointed	No appeal stage as such but the diocese will continue to work with the parties to resolve matters.	Consideration of whether a complaint should be brought under <b>CDM</b> .

**BULLYING AND HARASSMENT ALLEGATIONS**







