



Preventing bullying and harassment in the Diocese of Blackburn

Statement of commitment

The Church in serving and flourishing in a Christ-like community will foster relationships of the utmost integrity, truthfulness and trustworthiness. Abuse, harassment and bullying will not be tolerated in the Diocese. All complaints of abuse, harassment and bullying will be taken seriously and thoroughly investigated.

It is in all our interests to promote a safe, healthy and just environment in which people can serve. This policy has been formally adopted by the Bishop's Council. The policy will be reviewed annually.

The Bishop of Blackburn, November 2014

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Policy Statement

You should take the time to ensure that you understand what types of behaviour are acceptable under this policy.

This policy covers harassment or bullying which occurs both inside and out of the Church, such as at events or social functions. It covers bullying and harassment by clergy, parishioners and also by third parties such as visitors to our premises.

We may amend this policy from time to time or depart from it where we consider appropriate.

Definition of Harassment

In the Equality Act 2010, harassment is defined 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”

Protected characteristics are age, disability, marriage and civil partnership, race (including nationality, ethnic origin, national origin or skin colour), pregnancy and maternity, religion or belief, gender reassignment, sex and sexual orientation.

Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and he or she feels damaged by it, then that individual has every right to say so, and his or her right to do so will be respected.

Where it cannot be established that there was an intention to offend, conduct will be regarded as violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, if taking all the circumstances into account, particularly including the recipient’s views, it would be reasonable to come to that conclusion.

People can be subjected to harassment on a wide variety of grounds. In addition to the protected characteristics listed above these may include:

- membership or non-membership of a trade union
- the carrying out of health and safety duties
- criminal record
- health, eg AIDS/HIV sufferers, etc
- physical characteristics
- willingness to challenge harassment — being ridiculed or victimised for raising a complaint.

Employers are liable for harassment between employees and can also be liable for harassment which comes from a third party. The government has removed express protection for this third party harassment from the Equality Act. However, liability can still arise as a result of other legal duties for example breach of contract, direct discrimination, the Protection from Harassment Act 1997. These other legal duties and good practice means that we should continue to take steps to protect individuals from all forms of harassment.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk.

Harassment on any grounds, including the above, will not be tolerated.

The Diocese of Blackburn, together with any clergy who fail to take steps to prevent harassment or investigate complaints, may be held liable for their unlawful actions and be required to pay damages to the victim, as will the person who has committed the act of harassment.

There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

Examples of harassment

Harassment takes many forms — from relatively mild banter to actual physical violence. Individuals may not always realise that their behaviour constitutes harassment, but they must recognise that what is acceptable to one individual may not be acceptable to another - determining what is acceptable is an individual right that we must all respect.

Examples of harassment include (but are not restricted to):

- verbal harassment — examples include crude language, personal insults, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs or making insulting gender-based remarks
- non-verbal harassment — examples include wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, cyber harassment, offensive e-mails, text messages on mobile phones and offensive objects
- physical harassment — examples include unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault, and physical coercion
- coercion — examples include pressure for sexual favours (eg to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc
- isolation or non-co-operation and exclusion from social activities
- intrusion — examples include stalking, pestering, spying, etc.
- Setting impossible deadlines and persistent unwarranted criticism

Definition of Bullying

Bullying is not specifically defined in law. ACAS defines it as “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.”

Examples of bullying

Bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work.

These can be split into two categories.

Obvious bullying

Examples include:

- shouting or swearing at people in public and private
- ignoring or deliberately excluding people
- persecution through threats and instilling fear
- spreading malicious rumours
- constantly undervaluing effort
- dispensing disciplinary action which is totally unjustified

- spontaneous rages, often over trivial matters
- overbearing and intimidating levels of supervision.

Less obvious bullying

Examples include:

- withholding information or supplying incorrect information
- Cyber bullying
- deliberately sabotaging or impeding work performance
- constantly changing targets
- setting individuals up to fail by imposing impossible deadlines
- removing areas of responsibility and imposing menial tasks
- blocking applications for holiday, promotion, or training.

These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

Enforcement

Harassment on any grounds is a criminal offence under the:

Criminal Justice and Public Order Act 1994

Protection from Harassment Act 1997 and Criminal Justice and Police Act 2001

Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

Harassment may also constitute a breach of the Health and Safety at Work Act 1974.

These Acts mean that office holders who are harassed by fellow office holders or third parties may call in the police. Those found guilty face fines and/or periods of imprisonment of up to two years.

The legal position with respect to bullying is more complex as there is no separate piece of legislation which covers it. Bullying might be part of discriminatory behaviour, or related to a myriad of different legal principles, 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 right to take care of safety of workers
- Employment Rights Act 1996 (for example, constructive unfair dismissal)
- 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

- Trade Union and Labour Relations (Consolidation) Act 1992 (dealing with special types of intimidation)
- protection for whistleblowers under the Public Interest Disclosure Act 1998
- Criminal Justice and Public Order Act 1994
- Public Order Act 1986
- Protection from Harassment Act 1997
- Human Rights Act 1998.

In addition:-

Bullying or harassment by a clerk in holy orders or a licensed lay minister may give rise to a grievance that triggers the Grievance Procedure for Licensed Ministers.

Bullying or harassment by a clerk in holy orders may constitute misconduct under section 8(1)(d) of the Clergy Discipline Measure 2003.

Bullying or harassment by a reader or licensed lay worker could be a legitimate reason for the bishop to revoke that person's licence under Canon E6 or E7.

Bullying or harassment by a parish employee or employee of the Diocese may constitute misconduct under the disciplinary policy.

Standards of behaviour

All Christians – both lay and ordained recognise the importance of setting a good example and the need to treat each other with respect and trust.

Those with leadership responsibilities also recognise that what is intended as strong leadership can, sometimes mistakenly, be perceived as bullying behaviour and acknowledge that a culture where people are consulted and problems discussed is less likely to encourage bullying and harassment than one where there is an authoritarian leadership style.

Communication & training

The HR Manager is responsible for encouraging and monitoring the implementation of the policy. The policy will be included on the diocesan website.

The Director of Ministry will source and facilitate suitable training for clergy, laity and those with pastoral responsibility for the clergy. They will encourage Clergy Supporters to come forward and will ensure that suitable training is available for them.

Confidentiality

It is diocesan policy that these matters are to be treated with absolute confidentiality and that no action will be taken without the willing consent of the person who feels he or she has been a target.

Information about a complaint may be placed on the relevant personnel files, along with a record of the outcome and notes or other documents compiled during the process.

Fair procedures

All allegations of bullying and harassment will be taken seriously and investigated.

When both the perpetrator and the subject is a clergy person or a licensed lay minister, complaints of bullying or harassment may, with the subject's consent, be brought under the Grievance Procedure for Licensed Ministers. It has been developed by the church to deal with grievances of various kinds between ministers. When the perpetrator is a clergy person, it may be more appropriate for the subject, or an Archdeacon with the subject's consent, to make a complaint under the Clergy Discipline Measure 2003

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

Clergy Supporters

This diocese is committed to the encouragement and training of Clergy Supporters. Clergy Supporters are concerned members of the clergy and laity who have volunteered, and been accepted, to undertake these duties. They have received special training for this role and have the full support of the diocesan bishop. They are available to any member of the clergy or laity to offer, in confidence, advice and information as required. They are also able to channel complaints and, if suitably trained, to negotiate or mediate between the parties concerned.

Advisers will not make judgements, recommendations or reports; they will listen to you in an informal atmosphere and they will allow you to decide what action you may want to take and the support you think you may need. Advisers will, with your agreement, be able to make recommendations to the Diocesan Bishop

For a list of Diocesan Clergy Supporters or for information on becoming a harassment adviser please contact the HR Manager.

Informal steps

If you are being bullied or harassed you should initially consider raising the problem informally with the person responsible. Please consider Matthew 18 v.15-20. When a member of the church does something which offends us we are to go and tell him direct (15). Letters, emails and even phone calls are less personal means of communication and are always second best. It may be if the person does not listen then you may have to go with others and on rare occasions tell the church. You should explain clearly to them that their behaviour is not welcome or makes you feel uncomfortable. Please consider well how love and patient caring for the straying individual should always accompany Christian discipline.

You should also speak to your Harassment Adviser, who can provide confidential advice and assistance in resolving the issue formally or informally.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your Harassment Adviser informally for confidential advice.

Mediation and restorative justice

Mediation is a way of sorting out disagreements or disputes. A neutral third person works with those in disagreement or dispute to help them reach an agreement that will sort out their problems. It is voluntary - people only take part if they want to, but to be successful participants have to want it to work.

The mediator undertakes that any information obtained in connection with the mediation process will only be disclosed to the extent that it is necessary for the purposes of providing the mediation service, unless they have obtained the express prior permission of the parties to disclose the information further or they are required to do so by a court or tribunal.

Each mediation is different. A mediator will usually start by talking separately to the people involved in the dispute to find out about the situation, how they feel about it and the effects it is having. When the time is right the mediator will bring the parties together in a joint meeting. At that meeting they will each have a chance to say exactly how they feel without being interrupted and to listen to the other person without interrupting them. The mediator will ask questions, help the parties to look at the situation realistically and help them come up with ways to improve things.

In some circumstances where both sides ask, the mediator can recommend a way forward if the parties cannot find their own solution.

The aim of mediation is to maintain the relationship between two people or groups if at all possible, and so mediation is about the future, not the past or who was right or wrong. In a mediated dispute parties are generally assumed to be on an equal level morally speaking, often with responsibilities on both sides. While this sense of shared blame may be appropriate in some harassment cases, in many it is not. In such cases restorative justice may be a more helpful model.

Restorative justice works to resolve conflict and repair harm. Like mediation it aims to maintain a relationship between the parties involved, but it encourages those who have caused harm to acknowledge the impact of what they have done and gives them an opportunity to make reparation. It offers those who have suffered the harm the opportunity to have their harm or loss acknowledged and amends made.

Conflict between people is inevitable, but where it occurs restorative justice can help to 'restore' the balance in a just and fair way. In resolving the harm done it works to prevent it happening again. As is the case in mediation a process of restorative justice has to be voluntary for all parties and it seeks a positive outcome for all parties.

Further information about mediation services and about training in mediation and restorative justice is available from the HR Manager

Diocese of Blackburn Policy for handling bullying and harassment complaints when the perpetrator is lay (not an employee of the Parish / Diocese)

When a clergy person wishes to make a complaint about a lay person they should, in the first instance, try and seek resolution within their parish. This may be done with help from their Churchwarden, or where the perpetrator is a Churchwarden, their PCC. Should resolution be unsuccessful then the clergy person should contact their Area Dean. If the clergy person is the Area Dean, then the neighbouring Area Dean or Chapter Clerk should be contacted.

The Area Dean will meet with the clergy person and the perpetrator first separately and then together and seek resolution to the inappropriate behaviour. Where possible future expected behaviours should be agreed.

Should resolution be unsuccessful then the clergy person should contact the Archdeacon.

The Archdeacon with the Area Dean will meet with the clergy person and the perpetrator first separately and then together and seek resolution to the inappropriate behaviour. Where possible future expected behaviours should be agreed.

Should resolution be unsuccessful then the clergy person should contact the Suffragan Bishop.

The Suffragan Bishop with the Archdeacon will meet with the clergy person and the perpetrator first separately and then together and seek resolution to the inappropriate behaviour. Where possible future expected behaviours should be agreed.

The Area Dean, Archdeacon or Suffragan Bishop may agree a contract with the lay person which ultimately may result in the lay person not attending that particular church.

Should all of the above measures fail to secure a resolution a discussion will take place at Bishop's staff meeting to decide on the appropriate course of action for the parish.

At any meeting held during the above process, the clergy person or perpetrator may be accompanied by a friend, colleague or trade union representative.

False accusation

No complainant should be disadvantaged for making complaints in good faith, and all reasonable complaints/allegations will be taken seriously and dealt with according to this procedure. However, if it is established that complaints are malicious, vexatious or frivolous, then they will not be considered reasonable, and the Diocese may consider taking formal disciplinary action against those making such a complaint. In the case of a clergy person this may be a complaint under the Clergy Discipline Measure 2003. A member of either the clergy or laity could be subject to an action for defamation if they have made false accusations against someone else.

Protection for those making complaints or assisting with an investigation

If you make a complaint or have participated in good faith in any investigation conducted under this policy you must not suffer any form of retaliation or victimisation as a result.

If you believe you have suffered any such treatment you should inform your harassment adviser. If the matter is not remedied you should raise it formally using the Grievance Procedure or this procedure if appropriate.

Clergy found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure may be subject to the Clergy Discipline Measure 203.

Role description for Clergy Supporters

In order to support our anti-bullying and harassment policy, we are looking to appoint Clergy Supporters who ministers can approach in the first instance, in confidence, if they feel they have been harassed at work.

Main duties:

- Acting as a sounding board, listening to the individual who believes they are being targeted
- Finding out all relevant information, including asking the individual to record examples of unacceptable behaviour.
- Not giving an opinion as to whether the person is being harassed, but spelling out the individual's options for example, confronting the alleged harasser or having you confront the alleged harasser with them or on their behalf.
- Putting them in touch with others who may be able to advise them, for example the area dean or archdeacon who can give further advice on formal procedures.
- Giving the individual any appropriate reading material
- Speaking to the alleged harasser in the first instance only if the individual has asked you to do so, or accompanying the individual when they speak to the alleged harasser
- Providing support to the individual if the matter is taken further, such as attending meetings that may be held as part of an investigation.

Person specification:

We are looking for people who have the following essential requirements:

- An interest in and commitment to matters of equal opportunities
- The ability to listen to individuals at all levels, who may approach them with a concern
- The ability to maintain utmost confidentiality
- The ability to remain calm and impartial
- The ability to deal with difficult situations

Supporters need to be available and accessible and able to spare some time at relatively short notice, to see people.

In addition, any of the following will be helpful but are not essential, as training can be provided:

- Knowledge of employment law, and particularly discrimination legislation
- Experience of counselling
- Record keeping
- Report writing

If you are interested in applying then please speak to the HR Manager.