

# Clergy Dignity in Ministry

## Bullying and Harassment Policy

### Policy Statement

This policy outlines the commitment of the Diocese of Carlisle to encourage and sustain healthy and enriching relationships between office holders, their fellow clergy and colleagues and those they serve in their parishes and communities. The policy and our commitment to ensuring that complaints of bullying and harassment are dealt with promptly, fairly, confidentially and sensitively. Together we are working to build a culture in which such behaviour is less likely to occur.

It also describes the rights and responsibilities of office holders to do all they can to prevent bullying and harassment during the fulfilling of their duties of office.

**This policy should only be used if the matter is not safeguarding related. The DSO should first determine whether it falls within safeguarding jurisdiction. If it does, safeguarding policies and procedures will apply.**

If this policy and the law conflict, the law shall take precedence. If office holders are in any doubt as to what their rights are, they are to discuss matters with their incumbent, Rural Dean, Archdeacon, Bishop as appropriate.

### Who is covered by the Policy?

This policy applies to all office holders, namely those individuals who are beneficed, licensed or otherwise authorised by the Bishop for ministry in the diocese. This includes all office holders (stipendiary and non-stipendiary) under Common Tenure and Freehold, clergy with Permission to Officiate, licensed and PTO lay ministers (readers), and applies equally to Clergy, Archdeacons and Bishops.

All clergy employed by the CDBF are subject to the CDBF Bullying and Harassment Policy. This policy and the CDBF policy are closely aligned and aim to uphold the same standards of professional conduct for all clergy whether employed or holding office across the diocese.

Church Wardens and Church Officers are subject to the policy.

In the event that this policy suggests the person to contact is also the person displaying alleged bullying behaviour, any member of the Bishop's Leadership team will be ready to give confidential advice.

Those not covered by the policy are as follows:

1. Employees of the Carlisle Diocesan Board of Finance (CDBF), the Diocesan Bishop's Office, and the Cathedral should refer to their own employee handbook or policy document on bullying and harassment for guidance
2. Employees of deaneries, benefices and parishes such as administrators, youth and children's workers should refer to the relevant benefice/parish policy document on bullying and harassment for guidance

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3. Lay people which include members of the congregation and persons such as flower arrangers, choir members and those who participate in the wider life of the church are not covered by this policy when they are the person being complained about. When a lay person receives a complaint of bullying and harassment these will be dealt with in the most appropriate way according to the circumstances.

If a lay person wishes to make a complaint of bullying and harassment against an office holder they should refer to this policy document.

If a lay person wishes to make a complaint against a person covered in points 1 and 2 above, then they should refer to policy documents of the organisation where the person complained about works or serves.

#### **Standards of Behaviour**

As the Church, we are called to create a loving community that models Christian values and in which all can flourish. The Bible places on us all the responsibility to love one another. St Paul reminds us that we are all parts of one body. Love, justice, mercy, forgiveness and reconciliation are our aims in all things.

However, we are all less than perfect. Occasions arise where people, for a variety of reasons and sometimes unknowingly, use behaviour that is unacceptable. Recognition of this does not undermine the Church. An honest acknowledgement of our human frailty is an essential first step in both preventing and dealing with such failures when they occur. A Church where an admission of failure is met with understanding and forgiveness rather than condemnation will encourage the sort of honest self-reflection which might lead to apology so that relationships can be restored and the church will experience something of the resurrection. Human frailty may explain bullying and harassment but it does not excuse it and, therefore, appropriate support will be offered to restore relationships.

If unacceptable behaviour is not dealt with effectively the consequences are likely to be:

- Low morale and damaged relationships.
- Loss of respect for those with responsibility for oversight.
- Poor stewardship of ministry resources.
- Loss of confidence, ill health, absence and resignations.
- Reputational damage for individuals, congregations and the wider Church.
- A culture where clergy and lay people consult and discuss problems is less likely to encourage bullying and harassment than one where there is an authoritarian leadership style. They are committed to a culture of mutual respect where individuals, whether lay or ordained, employed or working on a voluntary basis, feel respected and safe and treat one another with dignity.

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### **Communications and Training**

The Diocesan Bishop is responsible for encouraging and monitoring the implementation of this policy. They will also ensure the ongoing communication and receiving of feedback to support the future development of this policy.

### **Power and Authority in the Church**

Ultimately all power comes from and belongs to God who, through the Holy Spirit, creates, nurtures, enables and empowers human beings. This is power in its perfect form, flowing in relationship between the three persons of the Trinity. It is the power which sets people free to become all that God intended them to be. Clergy have access to a variety of different sources of power such as by virtue of their ordination, their role as an office holder (not employee) and in some cases as the Chair of a trustee body. Pastoral care of people at vulnerable times of their lives such as crisis, sickness or bereavement also involve imbalances of power that need to be borne in mind.

Power in the context of human relationships is having agency and influence and may be used for good or ill. It includes the capacity to influence the behaviour, thoughts, emotions and attitudes of other people. This is the power to make things happen in human society or to resist and prevent change and is derived from a variety of sources. It is life enhancing when used well but is damaging and potentially dangerous when used to dominate or control. There is a greater risk of power being used badly when:

- We do not recognise that we have power or how we are using it.
- We fear losing it or try to possess it, rather than sharing it and allowing it to flow amongst the community, for the good of all.

Bullying and harassment involve the misuse and abuse of power. They are more likely to arise where there are significant power differentials (or perceived power differentials), power structures are complex, there are many informal sources of power and where people feel threatened, anxious or insecure.

### **Definitions of Bullying and Harassment**

The words bullying and harassment are often used interchangeably and the impact of either form of behaviour on the individual can be the same. The legal definition of harassment is set out in the Equality Act 2010.

**Harassment as defined in the Equality Act 2010** is any unwanted physical, verbal or non-verbal conduct related to a relevant protected characteristic, which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

(The relevant protected characteristics under the Equality Act 2010 are age, race, disability, sex, gender reassignment, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity.)

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Harassment often (but not exclusively) targets the gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief or age of the victim.

**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. Bullying is not defined by law but if it is related to one of the 'Protected Characteristics' listed in the above section, then it is likely to constitute harassment under the Equality Act 2010 and to be unlawful.

**Power** includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.

Bullying and harassment may be persistent or an isolated incident and can amount to severe psychological intimidation, undermining the ability and confidence of the person on the receiving end. A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

Bullying and harassment are not necessarily face-to-face. They may be by written communication, email, 'phone or conducted through third parties or social media. Some of the most damaging behaviours include spreading malicious rumours or innuendo to third parties or refusing to speak to, acknowledge or interact with an individual.

Bullying and harassment may take place in any setting, including during events held in parishes, before, during and after local parish meetings, before and after Church Service etc. The effects can be intensified both by taking place in front of others who feel unable to challenge the behaviour, or in private where there are no witnesses to protect or speak for the person being bullied.

Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious, or it may be insidious, and whichever form it takes it is unwarranted and unwanted to the individual subjected to it.

In cases of harassment, an individual can complain of behaviour that they find offensive, when directed against a protected characteristic, even if it is not directed at them but they are impacted by it, such as the harassment of one person by another which creates a hostile or intimidating environment.

Equally, care should always be taken when banter is being exchanged between individuals. Whilst those individuals may be comfortable with the level and nature of the banter, it may be unwelcome to anyone overhearing or witnessing it, as it relates to one or more of the 'Protected Characteristics'.

If the person carrying out the bullying claims that others share their perceptions of the person they are targeting this can also intensify the effects. For example, if they say, 'Other people

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have also said....' or cite or claim knowledge about those in authority, the targeted person is left not knowing whom they can trust for support and will become further isolated.

Anyone who believes they are being subjected to harassment or that they are being bullied is to use the procedures set out in this policy.

### **Examples of Harassment and Bullying Behaviour**

Most people will agree on extreme cases of bullying and harassment but it can sometimes be difficult to identify.

Examples of harassment include:

- Unwanted physical conduct or 'horseplay'. Physical conduct ranges from touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical or sexual assault.
- Unwelcome sexual behaviour, which the harasser may perceive as harmless flirting, including touching and standing too close, and which may also involve unwanted suggestions, advances, propositions or pressure for sexual activity.
- Suggestions that sexual favours may further a career or that refusal of sexual favours may hinder it.
- Continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome.
- Inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks.
- The sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet).
- Spreading malicious rumours or insulting someone by word or behaviour, particularly on grounds of one of the Protected Characteristics.
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

Examples of bullying include:

- Shouting at, being sarcastic towards, ridiculing or demeaning others.
- Use of e-mails, answerphone messages, anonymous letters or social media to insult or for destructive criticism.
- Copying e-mails that are critical about someone to others who do not need to know.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- Ridiculing or demeaning someone individually or in front of others.
- Abusing position of authority/power over others such as overriding decisions without consultation, pressuring someone to operate against policy or to break the law, manipulate circumstances to put a person in an uncomfortable position, an unsafe position or a potentially compromising position.

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- Inappropriate and/or derogatory remarks about someone's performance.
- Unjustifiably excluding colleagues from meetings or communications.
- Deliberately ignoring or excluding someone from activities or relevant information.
- Victimisation or unfair treatment.
- Making threats or unwarranted comments about job security or future job prospects.
- Unfairly blocking promotion, training or future employment opportunities.
- Claiming formal/informal influence with colleagues and threatening to use this to undermine or jeopardise future prospects.
- Deliberately undermining by overloading with work, frequently changing deadlines at short notice, constantly reprioritising work and persistent destructive criticism.
- Shouting or swearing at a person in public or in private, face to face or on the 'phone.
- Using aggressive or intimidating gestures (with or without physical contact) e.g. pointing in someone's face, pushing or shoving them.
- Alternating bullying behaviour with charm and kindness, thereby confusing the person/undermining their resolve to take action.

### Patterns of Behaviour

Bullying and harassment are often not obvious to others and may have to be identified through exploration of patterns of behaviour. When bullying behaviours are covert and passive it can be particularly difficult to complain, because each incident on its own appears trivial. It may be the constant repetition and sustained nature or conversely the unpredictability of behaviour, which transforms seemingly trivial incidents into bullying or harassment.

Behaviour experienced as bullying or harassment can also be the result of unintentional misunderstandings, lack of awareness or insensitivity as to how one's behaviour is experienced by others, particularly those with less power. Some people, because of previous experiences of being bullied or abused, or of knowing someone who has previously been bullied or abused, whether as a child or in adult life, may be more vulnerable. This does not mean they are to blame for what is happening. Responsibility remains with the perpetrator. Those for whom bullying has become a pattern often sense who is most vulnerable or lacking in power and repeat patterns of bullying behaviour in different contexts.

Sometimes patterns of bullying behaviour seem to be endemic in particular parishes, benefices, or organisations. Such behaviour may have become entrenched because of failures in structures, poor leadership, or through domination by particular individuals, families or groups, sometimes over many years. In these situations, a newcomer, e.g. a new incumbent or curate, can be on the receiving end of increased bullying, and can find this particularly difficult to challenge.

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### Understanding the Effects of Bullying and Harassment

#### **1. The effect on individuals**

Bullying and harassment cause the recipient to feel anxious and humiliated. A person who is being bullied is likely to feel isolated and disempowered and fear that they will not be believed. They may fear that, if they complain that they find the actions of others intimidating, they risk being accused of over-reacting, of being weak or not up to the job and lacking resilience. For example a curate may be reluctant to tell their training incumbent about the intimidating behaviour of a churchwarden or an Incumbent may be unwilling to speak out about the inappropriate behaviour of a colleague in a more senior position.

Someone experiencing bullying behaviour may feel anger and frustration and try to retaliate, giving the person who is bullying apparent justification for their actions, and possibly being mistakenly identified as the bully themselves.

Even a previously self-assured person can quickly lose self-esteem and become frightened and disorientated when subjected to bullying or harassment. If the bullying persists they will almost always need the support of a third party to hear their story and help them find the strength to initiate and sustain action against it. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to illness, absence from work and even resignation. Almost always, work performance and relationships suffer with effects that can be long term and sometimes permanent.

#### **2. Reluctance to complain**

If other people do not appear to react or object to what is happening, the person being bullied may think 'this is normal in this group of people or workplace' and assume it is something they must learn to tolerate. Witnesses to harassment or bullying may be so relieved not to be the focus of such behaviour that they collude to avoid attention or are afraid to complain about fear of the consequences.

Both recipient and witnesses may fear that they will not be believed or that there will be retribution if they complain. They may also fear that, if they complain, they may have to face the pain and upheaval of moving to minister or worship in a different place.

A person making a complaint on their own behalf needs the assurance that their complaint will be treated with confidentiality, that they will be consulted and fully informed before any action is taken and that they will not be asked to confront the person about whom they are complaining, unless or until they feel ready to do so. There may, however, be exceptional circumstances where there is a risk to the safety of others, particularly children or vulnerable adults, where the complaint will have to be investigated.

Fear of not being believed may be reinforced if 'the final straw' is something minor but follows on from an accumulation of other incidents. Christians, both recipients of bullying and those to whom a complaint is made, may find it hard to accept that fellow Christians, lay or ordained, may bully and harass or be the victim of such behaviour. As a result, they may wrongly interpret

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bullying as a personality clash. The reality is that, however regrettable it may be, this kind of behaviour does occur in the Church and needs to be recognised and named for what it is. Sometimes ordained church leaders or church members mistakenly assume that it is their Christian duty to put up with bullying or abusive behaviour from other church leaders or from church members when such behaviour would not be tolerated in secular contexts. The mission of the Church is damaged, and the gospel undermined when such behaviour is not confronted and addressed.

If a recipient or witness cannot bring themselves to complain, they should endeavour to talk it through with someone they trust such as a spiritual director, mentor or colleague so that they can discern next steps to being able to feel they can bring a complaint.

#### ***3. Deliberate or malicious behaviour***

People who deliberately or maliciously harass or bully do not commonly do so in front of those whose power or authority they respect or fear. They may be likeable and pleasant in many other situations and may be skilful at concealing what is happening, only bullying or harassing those whom they sense are vulnerable, unlikely to make a complaint or to be believed. It can be very hard for people who have never experienced bullying or harassment themselves or have not been in a position of vulnerability and powerlessness, to recognise that someone who is amiable and charming in their presence or appears to be a good and committed Christian may be capable of such behaviour.

#### ***4. Legitimate and constructive feedback***

Behaviour considered bullying and harassment by one person may be considered firm management or forthrightness by another. It is therefore important to distinguish between bullying and harassment and respectfully given critical feedback or disagreement with beliefs or opinions. Setting reasonable performance goals, standards or deadlines, giving reasonable directives, feedback or assessments of performance or behaviour, or taking legitimate disciplinary action are not bullying or harassment.

There may be occasions where shortcomings in performance are being addressed and critical feedback is interpreted as bullying or harassment, because the recipient is unused to being challenged or asked to account for their actions. Alternatively, the person giving feedback may lack skills in giving respectful and effective critical feedback and may need guidance and training in how to do this without causing unnecessary stress and distress.

It is legitimate to raise genuine concerns about performance and behaviour. However, this needs to be done sensitively and without aggression, in awareness that no-one likes being criticised and that the aim is to improve performance and not to undermine the person.

The person giving critical feedback must avoid threats or intimidating behaviour such as shouting, swearing or personal insults. Similarly, the person receiving criticism about their performance or behaviour should not respond aggressively.

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#### **Informal steps to resolve Bullying and Harassment**

The Diocesan policy is to work with individuals informally in the first instance to try and achieve a resolution, and encourage people to meet, share feelings, and take the opportunity for apologies to be given and reconciliation achieved.

Where an office holder is the victim of minor bullying or harassment they can (on their own or with the assistance of a confidential helper) make it clear to the bully or harasser on an informal verbal basis that their behaviour is unwelcome and they are being asked to stop. This can include an office holder being bullied or harassed by someone such as a volunteer, parochial officer, or other person they encounter as a direct result of carrying out their duties.

However, it is recognised that for most people this is too stressful a proposition to do on their own, especially for complaints of personal harassment, particularly of sexual harassment or other issues of a sensitive or intimate nature. In these circumstances an individual is encouraged to raise such issues with the Rural Dean, a senior or other local colleague, or where appropriate an Archdeacon. With their help and support they will offer to assist in the resolution of any problems, whether through informal or formal means.

Where an informal approach is not possible or appropriate, or has broken down, a formal approach may be required as set out in the procedure below.

If an office holder is in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then they should contact their Archdeacon confidentially, on an informal basis. They will be able to advise on how the office holder's concerns will be dealt with.

#### **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 as it is a safeguarding matter or 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.

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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 please see appendix 1.

#### **Investigating formal allegations of bullying and harassment**

It is Diocesan policy to treat allegations of bullying and harassment seriously and confidentially. It is impossible to investigate a complaint of bullying and harassment without informing key people who are necessary to the proper functioning of an investigation. As such, information relating to the complaint may be shared on a need-to-know basis only. The persons the Archdeacon may need to inform could be (but is not limited to) the Bishop, the Diocesan Safeguarding Officer, the Head of HR and Governance, the Bishop's Chaplain and on occasion the Registrar. Those investigating will recognise that allegations are not made lightly; a complainant's account will be accepted as a valid account of their subjective experience.

No action, including informing colleagues or contacting the alleged perpetrator, will be taken without the explicit consent of the person who feels he or she has been a target of bullying or harassment, unless the allegation is so serious that it cannot be ignored, for example where there is alleged abuse of children or vulnerable adults. If there is a risk of harm, either to the person concerned or to others, particularly to vulnerable adults or to children, it may be necessary to pass information to the Diocesan Safeguarding Officer.

In all but the most exceptional circumstances, the need for such action will be discussed with the complainant before it is taken and, wherever possible, their permission will be obtained first. In such circumstance the complainant will, as far as possible within any legal constraints, be kept informed of the actions being taken. If the Diocesan Safeguarding Officer determines that the matter falls within the jurisdiction of safeguarding, safeguarding policies and procedures will be followed.

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The aim of any investigation will be to identify the underlying issues and eliminate the cause of offence as quickly as possible, with minimal recrimination and the hope of reconciliation. Whilst investigations are conducted support will be offered both to a complainant (and if appropriate their family and others affected by the situation), to the person being complained against and, if appropriate, to any witnesses. This may need to continue for some time afterwards. The diocese will ensure that if an individual brings a complaint of harassment or bullying, they will not be victimised for having brought the complaint.

The Archdeacon will be involved at every stage of a formal complaint's procedure assisted by a member of the HR team. Written records will be kept and retained at all stages.

#### ***Step one: Formal Notification***

The office holder should bring the matter to the attention of their Archdeacon as soon as possible. It may be verbally in the first instance but must be followed up by a formal written complaint. The written complaint should include details of what happened and when, what steps were taken to try to resolve the matter and what remedy they might find acceptable; the statement should then be sent to the Archdeacon (unless the Archdeacon is the subject of the complaint or concern, in which case the matter should be referred to the Bishop).

If the person being complained about is a lay person, the complainant should put their concerns in writing to the Archdeacon. The Archdeacon will discuss this with the complainant and other relevant people regarding how to formally progress the complaint.

#### ***Step two: Process of Investigation***

Complaints will be investigated in a timely and confidential manner to establish full details of what happened. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.

- The Archdeacon (or in the case of the Bishop) will either investigate or they may appoint someone to investigate on the matter on their behalf.
- At the outset of the investigation, the investigator will obtain a statement from the person against whom the complaint has been made (the respondent). If appropriate this will be done in person, and they will be invited to express a view which must be considered at any subsequent meetings with the complainant. The respondent has a right to be accompanied by a colleague or trade union representative and should seek independent advice.
- The investigator will then invite the complainant to attend a meeting to hear their account of the events leading to the complaint. The complainant may also be accompanied by a colleague or trade union representative.
- The investigator will then need to make a judgement as to whether the parties should be seen together at this stage or if bringing them together too soon could inflame the situation.
- As soon as possible after the meeting the Archdeacon will inform the complainant and respondent in writing of their decision as to whether there is any substance to the matters raised in the complaint. If so, they will set out what steps they are taking or

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proposing to take to resolve the matter including a provisional timetable for further investigation if necessary. The complainant will also be notified of their right to take the matter to appeal if they are dissatisfied with the decision.

- It may be necessary to interview witnesses to any of the incidents mentioned in the complaint before a decision can be made. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them. The name of the complainant and the name of the alleged bully or harasser will not be divulged other than on a 'need to know' basis to those individuals involved in the investigation.
- If it is a complex and long investigation the investigator will arrange further meetings with the complainant and respondent as appropriate throughout the investigation and/or at its conclusion.
- If the complaint is against an office holder consideration will be given to whether the respondent should partly or wholly cease to carry out the duties of their office pending the outcome of the investigation. Consideration will also be given to the Guidelines for the Professional Conduct of the Clergy (2015).

At the conclusion of the investigation:

- If the investigator was appointed by the Archdeacon, the investigator will submit a report to the Archdeacon to consider the complaint.
- The Archdeacon will usually arrange a meeting with the complainant to report the outcome within 2 weeks of the conclusion of the investigation.

Possible outcomes of the investigation:

- a. If the report and the Archdeacon conclude that the allegation is well founded and finds bullying or harassment has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence:
  - Where a complaint against an ordained office holder is upheld, he/she may be liable to action in accordance with the scope and remit of the Clergy Discipline Measure (CDM).
  - Where a complaint against a lay person is upheld, the Archdeacon or Bishop will consider what action to take. The lay person will be expected to participate in any steps to restore a damaged relationship. This could include an acknowledgment of wrongdoing in the form of a verbal or written apology and involvement in mediation and restorative justice as outlined in the policy.
- b. However, if the report and the Archdeacon conclude that the complaint is both untrue and has been brought with malicious intent, disciplinary action may be taken against the complainant:
  - If the complainant was an ordained office holder the false complaint may be dealt with within the scope and remit of the Clergy Discipline Measure (CDM).
  - If the complainant who made a false allegation is a lay person, the Archdeacon or Bishop will consider what action to take. The lay person will be expected to participate in any steps to restore a damaged relationship. This could include an acknowledgment of wrongdoing in the form of a verbal or written apology and involvement in mediation and restorative justice as outlined in the policy.

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- c. If the complainant remains dissatisfied or the matter remains unresolved, they may move to appeal by informing the Archdeacon/Bishop in writing stating their reasons for doing so.
- d. Where a complaint is not upheld but was made in good faith (and not judged to be have been made maliciously) consideration will be given to how the ongoing pastoral relationship between the complainant and the alleged bully or harasser should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties/working arrangements of either party. Further details of the mediation process can be found at Appendix 2.

#### **Support and Guidance for those reporting bullying behaviour**

Talking to someone in confidence can help to establish a course of action to deal with bullying or harassment. It is not always easy to know the right person to whom a complaint should be made. One of the following: an individual's incumbent, Rural Dean, Deanery Lay Chair, Archdeacon, Bishop, Dean, Warden of Readers, Bishop's Adviser for Women in Ministry, Diocesan Secretary or Head of HR & Governance will be able to receive a complaint in confidence and, with the individual's agreement, will direct the complainant to an appropriate person (usually a member of the Bishop's Leadership team) who will explore appropriate options of support and offer advice on what action to take.

The diocese will seek to ensure that procedures are fairly and properly followed. Any investigation will be conducted with objectivity and independence. Details relating to the circumstances that gave rise to the complaint, the evidence of witnesses and the nature of any ministerial relationship between the complainant and person accused, will all be considered.

While investigations will be carried out in the hope of reconciliation, this will not always prove possible.

Other options of support could involve  
Pastoral Support with an agreed person  
Inter Diocesan Counselling Service

[Inter-Diocesan Counselling Service – Carlisle, Carlisle, Chester, Liverpool & Manchester.](#)  
[interdiocesancounsellingservice.org.uk](http://interdiocesancounsellingservice.org.uk)

Health Assured – confidential support service

[Health Assured | EAP, Workplace Health & Wellbeing Provider](#)

#### **Support and Guidance for those accused of Bullying or Harassment**

If an individual is accused of bullying or harassment, they should notify someone such as their incumbent, Rural Dean, Deanery Lay Chair, Archdeacon, Bishop's Adviser for Women in Ministry, Warden of Lay Readers, Bishop, Dean, reader or churchwarden, as appropriate and without delay of the allegation. The person first notified will, with the individual's permission, seek advice from a member of the Bishop's leadership team (usually the Archdeacon) who will be able to provide the individual with support and guidance and be able to conduct an investigation.

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Allegations of bullying and harassment will always be taken seriously; however, the investigation of an allegation does not signify a judgement that the person about whom a complaint has been received are guilty, or are assumed to have behaved inappropriately, but it must be fairly and fully investigated.

For those who have an alleged complaint raised against them they should be very careful not to behave towards the person making the allegation in any way that might cause further difficulties between them.

Other options of support could involve

Pastoral Support with an agreed person

Inter Diocesan Counselling Service

[Inter-Diocesan Counselling Service – Carlisle, Carlisle, Chester, Liverpool & Manchester.  
\(interdiocesancounsellingservice.org.uk\)](http://www.interdiocesancounsellingservice.org.uk)

Health Assured – confidential support service

[Health Assured | EAP, Workplace Health & Wellbeing Provider](http://www.healthassured.co.uk)

A companion to support during any meetings.

#### ***False Accusations***

People do not normally make serious accusations unless they feel seriously aggrieved. For most it is extremely difficult to make a complaint and the far greater risk is that people delay longer than they should. However, deliberately unfounded or malicious complaints or allegations will be investigated and dealt with fairly and objectively and, where appropriate, formal action may be taken. An individual, including a member of either the clergy or laity could be subject to an action for defamation, if they have intentionally made false accusations against someone else

For further information on defamation including what to do if you think it might apply, please visit [Defamation Act 2013](http://www.defamationact2013.com)

In addition, for clergy and employees, Health Assured offers an initial free legal consultation service – Call 0800 028 0199 Code: MHA193224

#### **Confidentiality**

Confidentiality is an important part of the complaint's procedures provided to deal with bullying and harassment. Whether making a complaint or because they are involved in any investigation, everyone is responsible for observing the high level of confidentiality required. Details of the investigation and names of relevant people must only be disclosed on a "need to know" basis.

Breach of confidentiality by an office holder may give rise to disciplinary action under the Clergy Disciplinary Measure.

## Clergy Dignity in Ministry

### Bullying and Harassment Policy

#### Appendix 1: 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. Work 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 preliminary discussion with the Rural Dean, Archdeacon, Diocesan Secretary or Head of HR & Governance. The person an individual speaks to first will be dependent upon who they feel they are being bullied by.
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 an informal process.**
9. If the issues are still not resolved, and both parties agree, the Archdeacon sets up a meeting with a professional mediator.
10. The mediation process begins.
  - a. The issue is resolved and the process is ended, a copy of the agreed way forward will be sent to the Bishop. The details of the issue will remain confidential. **OR**
  - b. The mediation does not resolve the issues and a report is sent to the Bishop that briefly outlines the process followed but does not divulge the detail of the mediation.
11. The Bishop decides if they need 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

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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 was 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 actions 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 skilful mediator will 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 using mediation have a better understanding of each 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 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 mediation meeting.

#### ***The Mediation Process***

Mediation helps the parties in 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.

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1. Separate meetings with the individual parties. The mediator will do the following:

- explain the process, including their role in it.
- explain the parties will set up appropriate ground rules together.
- begin to build up some trust and rapport.
- gain some commitment to the process.
- explore the issues and 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 of 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 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 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 it 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 unjustly treated.

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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.