



Bullying and Harassment Policy

v1.0 – July 2022

Introduction

Within the Church are 'all sorts and conditions' of human beings, diverse in age, gender, ethnicity and with different kinds of ability; there are professionals and volunteers, there are ordained and licensed ministers and faithful members of congregations. The Church is a body whose members acknowledge their individual needs and which recognizes the human capacity for even the best to go wrong. Indeed, a number of the letters in the New Testament are written to dysfunctional churches struggling with damaged and damaging human relationships.

Sadly, illegitimate use of power, bullying and harassment occurs within the Church as in other areas of human society. In a community called to witness to the eternal dignity of every human being, we have a unique responsibility to challenge such behaviour and create communities where each person has the sustaining reassurance that they will be treated with the respect that is due to all human beings made in the image of God and precious to God.

The resources that Christians bring to that task will include, but not be confined to, good professional practice and the expertise of those experienced in the dynamics of working relationships. The commandment to 'love one another as I have loved you' (John 13: 34) is central to our Christian discipleship. We follow the Servant leader who washed the feet of the man about to betray him. St. Paul was not content to leave 'unfinished business' between Philemon and Onesimus but sought reconciliation. A concern is that the call to love and forgive may lead individuals who feel bullied or harassed to hesitate before, or even refrain from, seeking appropriate support and help.

We therefore want to emphasize that it is distinctively Christian to 'go to one who sins against you and show them their faults' (Matthew 18:15), and that bullying and harassment, whether intentional or not, can greatly undermine the effectiveness of individual Christians and the Church to which they belong, as well as being extremely hurtful for those involved. The purpose of this policy is to set out a framework in which, wherever possible, relationships can be rebuilt and trust restored. In this, as in everything, we depend on the grace and power of the Holy Spirit to form each of us more into the likeness of Christ.

(Acknowledgement: material in this Introduction is partly drawn from the Archbishops' introduction to the Safeguarding Adults policy)

Statement of commitment

1. The Church is required by God to 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.

Standards of behaviour

2. Those with pastoral responsibilities for the clergy in this diocese: Area Deans, Archdeacons, Bishops and the Archbishop commit themselves to strive to build a culture of mutual respect where individuals, whether lay or ordained, feel respected and safe, and treat one another with dignity. They recognise the importance of setting a good example in this work and undertake to participate in training in support of this policy.
3. The House of Laity of the York Diocesan Synod is committed to striving to contribute to a culture of mutual respect where individuals, whether lay or ordained, feel respected and safe, and treat one another with dignity. Its members recognise the importance of setting a good example in this work and undertake to participate in training in support of this policy.
4. The House of Clergy of the York Diocesan Synod, is committed to striving to contribute to a culture of mutual respect where individuals, whether lay or ordained, feel respected and safe, and treat one another with dignity. Its members recognise the importance of setting a good example in this work and undertake to participate in training in support of this policy.

What is bullying and harassment?

5. Any behaviour that could potentially undermine someone's dignity and respect should be regarded as unacceptable. If it is not challenged, it is likely to escalate and lead to significant difficulties for all concerned.
6. In establishing the links between 'unacceptable behaviour', 'bullying' and 'harassment' as well as drawing together the common themes and issues, the following broader definition may be helpful:
"Any behaviour, always involving a misuse of power, which an individual or group knows, or ought reasonably to know, could have the potential effect of humiliating, intimidating or isolating an individual or group should be regarded as unacceptable... 'Unacceptable behaviour' changes its label to 'bullying' or 'harassing behaviour' when it causes actual harm or distress to the target(s), normally but not exclusively, after a series of incidents over a prolonged period of time. Lack of intent does not diminish, excuse or negate the impact on the target or the distress caused. The degree of intent is only relevant in terms of how the behaviour should be challenged and the issues subsequently resolved."
(Adapted from Fergus Roseburgh, Senior Staff Representative, Unite the Union, The Children's Society. March 2007)
7. The legal definition of harassment as set out in discrimination legislation and as applied to age, disability, gender reassignment, race, religion or belief, sex and sexual orientation (together, the "Protected Characteristics"), is: 'unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment'. A single incident can amount to harassment. Additionally, the Protection from Harassment Act 1997 makes it illegal for someone to pursue a course of conduct which amounts to harassment.
8. Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. It is most easily identified when it is continuous, frequent, repetitive and part of an overall pattern. However, some behaviour is serious enough to be recognised as bullying even if the behaviour occurred only once.

How can bullying and harassment be recognised?

9. Bullying may manifest itself in a variety of different ways. It is usually persistent, and often unpredictable, and can amount to severe psychological intimidation. It is insidious, and undermines the ability and confidence of the person suffering from it. It can lead to fear, isolation, demotivation and reduced output, poor concentration, symptoms of stress, a noticeable level of sickness absence or stubborn attendance when obviously unwell, psychological, emotional and physical harm.
10. Harassment, in general terms, is unwanted conduct affecting the dignity of individuals. It may be related to one or more of the Protected Characteristics (including theology or church tradition), or any personal characteristic of the individual, and may be persistent or an isolated incident. Differences of gender or ethnic background, for example, may mean that what is said or done is not understood or heard as it was intended. The important point is that the actions or comments are viewed as demeaning and unacceptable by the recipient.
11. Bullying and harassment may take place in churches, offices, church halls and houses used for church meetings. A list of examples of bullying and harassing behaviour is provided at Appendix 1.
12. It is important to distinguish between bullying, and behaviour that is reasonable in a particular context. For example there may be occasions where shortcomings in performance are being addressed and more incisive behaviour is interpreted as bullying, simply because the recipient is unused to being challenged or asked to account for their actions.
13. **In deciding whether conduct constitutes bullying or harassment, the following must be taken into account:**
 - **The perception of the individual making the allegation**
 - **The other circumstances of the case.**
 - **Whether it is reasonable for the conduct to have that effect.**
14. Any person making an allegation of bullying or harassment must describe the behaviour complained of, and the occasion(s) when it occurred in order for it to be considered and investigated. However, deliberately malicious complaints will be regarded very seriously.

Harassment Advisers

15. The Diocese of York is committed to the encouragement and training of Harassment Advisers. These are three 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 Archbishop and Bishops. They are available to any member of the clergy or laity to offer advice and information as required in the context of a confidential relationship (see paragraph 22). They are also able to channel complaints and, if suitably trained, to negotiate or mediate between the parties concerned. Details of how to contact Harassment Advisers are available on the Diocesan website; they will refer situations to other Harassment Advisers where this is appropriate.

Dealing with allegations of bullying or harassment

16. Every complaint of bullying or harassment will be taken seriously, and investigated appropriately. It may be very difficult for someone who is a target to make a complaint.
17. The scope of this policy extends to clergy and lay people including Readers and Churchwardens, other than those who are employed by the Diocesan Board of Finance, or by a Parochial Church Council, to whom terms and conditions of that employment will apply. The procedure to be followed in the event of allegations should be that applicable to the alleged perpetrator – see Appendix 4. The procedure to be followed is set out in Appendix 4.
18. **This policy does not apply to situations involving children or vulnerable adults; the Diocesan Child Protection Policy and the Safeguarding guidelines for Vulnerable Adults should be used where children or vulnerable adults complain of bullying or harassment.** At any stage, the Diocesan Safeguarding Team must be consulted if there is any uncertainty as to whether the allegation should be raised as a Safeguarding concern within the definitions set out in the House of Bishops practice guidance.
19. Where an allegation of bullying or harassment is made directly to the Diocesan Safeguarding Advisor that does not, in their professional opinion, meet the threshold set out in the House of Bishops practice guidance, the Adviser may refer the complainant for support from one of the Harassment Advisors or the relevant Archdeacon.

First Informal steps

20. If either a clergy or lay person considers that they are a target of bullying or harassment, they should speak to the Incumbent. (If the Incumbent is the alleged perpetrator or complainant then they should speak directly to the Harassment Adviser.) The Incumbent or Harassment Adviser will ensure that appropriate pastoral care is offered to all parties. It is helpful to aim to speak to the Incumbent as soon as possible after the incident concerned. It is, however, recognised that complaints of this nature may relate to cumulative actions taking place over a period of time. The complainant may also contact one of the Harassment Advisers (see paragraph 14). Further advice is offered in Appendix 2.
21.
 - i) The Incumbent or Harassment Adviser should investigate the allegations and, if there is sufficient evidence to justify a complaint, to speak to the alleged perpetrator. It is the Incumbent's responsibility wherever possible to take speedy action to stop harassment and it is important that it is made clear to the alleged perpetrator that such behaviour is unacceptable and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the Incumbent is the complainant or alleged perpetrator then the Harassment Adviser will investigate.
 - ii) Those investigating claims of harassment should consider all the circumstances before reaching a conclusion, and particularly the perception of the complainant, as harassment is often felt differently by different people. Having gathered all the evidence those investigating should ask themselves "could what has taken place be reasonably considered to have caused offence?" In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the complainant will choose to do this themselves, or they may need support.

iii) It is recommended that electronic communication such as email should only be used, if at all, for administrative purposes such as setting up meetings, and not for discussion of any allegations made.

22. Incumbents and Harassment Advisers should balance the importance of a swift response to allegations of bullying and harassment, with the need to spend appropriate time investigating and reflecting on the issues.

23. Incumbents are strongly encouraged to draw upon the advice and support offered by Harassment Advisers who have been trained for this work, and appointed to it by the Bishops.

Formal Procedures

24. If an informal approach does not achieve satisfactory results, or the nature of the incident(s) prompts the person who feels harassed to take a more formal approach, a complaint should be made to the Archdeacon. Anyone bringing an issue forward may be accompanied by a friend or colleague if they so wish.

Additional Support

25. The Archbishop's Adviser on Pastoral Care is available and contact details are on the Diocesan Website.

Confidentiality

26. These matters are to be treated as confidential unless safeguarding issues arise in which case appropriate action in line with other diocesan policies must be taken. Persons affected by bullying and harassment should be offered appropriate support, and action taken only with their consent.

Procedures

27. When both the alleged perpetrator and the complainant are licensed or ordained ministers holding office under Common Tenure, formal complaints of bullying or harassment may, with the complainant's consent, be brought under the Clergy Discipline Measure 2003.

28. When the alleged perpetrator is a lay person, and the complainant is either ordained or lay, complaints of bullying or harassment may, with the complainant's consent, be dealt with in one of a number of ways according to the circumstances. This may include a formal, personal letter from the Bishop to the alleged perpetrator, setting out the standards agreed under this policy.

29. After the investigation and action are concluded, the Incumbent or another nominated suitable person should monitor the situation, and ensure that appropriate continuing support is offered to the parties involved.

30. This Policy and a report of activity related to the policy, will be reviewed annually by the York Diocesan Leadership Team in consultation with the Diocesan Safeguarding Panel.

This policy was approved by the York Diocesan Synod on Saturday 2nd July 2022.

Peter Warry
Diocesan Secretary

02/07/2022

Appendix 1:

Examples of bullying and harassing behaviour

This list of behaviours is not exhaustive but gives a clear indication of the sorts of actions that constitute bullying or harassment:

- removing areas of responsibility without discussion or notice
- isolating someone or deliberately ignoring or excluding them from activities •
- consistently attacking someone's professional or personal standing
- setting out to make someone appear incompetent
- persistently picking on someone in front of others
- deliberate sabotage of work or actions
- deliberately withholding information or providing incorrect information.
- displays of offensive material
- sexual harassment
- use of e-mails, either to the individuals or to third parties, to reprimand, insult or otherwise inform someone of their apparent failings
- repeatedly shouting or swearing in public or in private
- spreading malicious rumours to third parties
- public humiliation by constant innuendo, belittling and 'putting down'
- personal insults and name-calling
- aggressive gestures, verbal threats and intimidation
- persistent threats about security
- making false accusations
- aggressive bodily posture or physical contact
- talking/shouting directly into someone's face
- direct physical intimidation, violence or assault
- The most serious incidents might result in:
- creating an unsafe 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

Appendix 2:

I think I have been the target of bullying or harassment, what can I do?

1. If you are experiencing bullying or harassment you should not suffer in silence or feel that you are to blame in some way for inviting bullying behaviour.

Actions you can take yourself

2. Keep a factual log of all incidents of bullying – dates, times, nature of incident, details of accusations, criticisms, emails and other correspondence. This may be needed as evidence should harassment, victimisation or bullying continue or subsequently recur. If others have witnessed bullying incidents, ask if they will support you.
3. The Bishops have appointed Harassment Advisers, who have been specially trained to be available to support and accompany you and you are strongly advised to use this support. Harassment Advisers guarantee appropriate confidentiality and will meet with you in private to talk through your complaint. They will advise you on procedures for dealing with claims of bullying and harassment, and help you to clarify the impact of the behaviour you are experiencing so that you can decide what you want to do about it.

Informal action

4. It may be possible for the complaint to be resolved quickly by explaining directly to the harasser or bully the effect their behaviour is having, and that you want it to stop. By trying the informal route you may be able to get the harasser or bully to stop their behaviour and so prevent the matter becoming public, or of escalating and making your situation more difficult.
5. It has been shown that it is rarely advisable for an individual to confront a bully alone, without professional support. Consult a Harassment Adviser or the Pastoral Care Adviser and discuss with them whether to confront the alleged harasser, alone or with their support or whether you would like them to talk to the alleged harasser on your behalf.
6. Every effort should be made to use informal means, including considering alternative dispute resolution such as mediation or restorative justice, to stop the offensive behaviour before formal procedures are invoked. *It is worth discussing whether mediation is an appropriate response in the particular situation before proceeding further.* You should also make it clear that if the behaviour continues you will make a formal complaint. This may be enough to sort things out, particularly if the person(s) involved was/were unaware that their behaviour was causing offence. *The Diocese has two people trained in mediation see the web site for details*
7. Whenever possible, any complaint of bullying or harassment should be notified, in confidence, to your Incumbent. Once the situation has been concluded, the Incumbent will monitor the situation as appropriate.
8. ***The transition to a formal process will involve consulting the Archdeacon.*** If the Archdeacon decides the matter is sufficiently serious, they will make a file note of action taken and with your permission, institute an investigation under the formal procedures. Harassment Advisers will be able to contribute to this decision-making process.

Appendix 3:

I have been accused of bullying or harassment, what can I do?

1. 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.
2. The perception of the person complaining of bullying or harassment is, however, an important factor in determining whether or not 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.
3. You are encouraged to contact your Incumbent or Area Dean if you are accused of harassment. The aim of the person you contact will be to facilitate discussion with a view to resolving the problem at source if possible.
4. 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. *Mediation with an external mediator might be appropriate.*
5. If an informal process is unsuccessful, consideration will be given to moving to a more formal process involving the Archdeacon. 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 relationship between the person complaining and yourself will all be taken into account.
6. Throughout any informal or formal procedures the principal objective is that of identifying the underlying issues and eliminating the cause of offence as quickly as possible and with minimal recrimination.
7. 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.

Appendix 4: Summary Flow Chart of Process:

