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Diocese of Hereford

Dignity at Work Policy

Working together to reduce incidents of bullying, harassment or unreasonable behaviour

Created by the Diocesan Secretary

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Preventing bullying, harassment or unreasonable behaviour in the Diocese of Hereford.

Statement of commitment

The Church is required by God to foster relationships of the utmost integrity, truthfulness and trustworthiness. The New Testament writers encourage us to work together.

> '*Then make me truly happy by agreeing wholeheartedly with each other, loving one another, and working together with one mind and purpose.*' *Philippians 2:2*

> '*And may the Lord make your love for one another and for all people grow and overflow, just as our love for you overflows.*' *1 Thessalonians 3:12*

> '*Let us think of ways to motivate one another to acts of love and good works.*' *Hebrews 10:24*

But New Testament writers are also realistic and recognise we are human and fail at times!

> '*Don't be selfish; don't try to impress others. Be humble, thinking of others as better than yourselves. Don't look out only for your own interests, but take an interest in others, too.*' *Philippians 2:3-4*

Unreasonable behaviour towards each other, harassment, bullying or abuse – however rare - has no place in this Diocese. All complaints in any of these areas will be taken seriously, thoroughly investigated and resolved wherever possible.

What follows is a framework to help resolve such human failings if and when they occur or are perceived to occur. If you ever feel you are being subjected to these failings do not hesitate to use this framework to understand and resolve the situation.

Signed and dated by The Bishop

What is bullying, harassment or unreasonable behaviour?

1. **Bullying** - The UK has no legislative definition of "bullying" but the Advisory, Conciliation and Arbitration Service (Acas) defines it as unwanted behaviour from a person or group that is either:

    - *offensive, intimidating, malicious or insulting [or]*
    - *an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone*

2. Behaviour that is considered bullying by one person may be considered legitimate management action by another; each case must therefore be considered on its individual facts. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems.

3. **Harassment** - Is defined in the Equality Act 2010 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.

4. **Protected Characteristics** - Are defined in the Equality Act 2010 as:

    - Age
    - Disability
    - Gender Reassignment
    - Pregnancy and Maternity
    - Marriage and Civil Partnership
    - Race
    - Religion or belief
    - Sex
    - Sexual Orientation

5. **Unreasonable Behaviour** - What is deemed to be behaviour so unreasonable as to be unacceptable will often differ depending upon the individual(s) involved and their particular circumstances.

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 employed with the intent of offending, humiliating, intimidating or isolating an individual or group should be regarded as unacceptable in the workplace.

    'Unacceptable behaviour' changes to 'bullying' or 'harassment' when it causes actual harm or distress to the target(s), normally but not exclusively, after a series of incidents over a period of time.

How can bullying and harassment be recognised?

7. 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 performance, poor concentration, symptoms of stress, a noticeable level of sickness absence or stubborn commitment to "struggle on" when obviously unwell, psychological, emotional and physical harm.

Examples of bullying or harassing behaviour

8. This list of behaviours is not exhaustive but gives a clear indication of the sorts of actions that may, depending on the circumstances, constitute bullying or harassment

- without just cause 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.
- overloading with work/reducing deadlines without paying attention to any protest
- displays of offensive material
- use of e-mails to reprimand, insult or otherwise inform someone of their apparent failing, either to the individual or to third parties
- repeatedly shouting or swearing in public or in private
- spreading malicious rumours to third parties
- public humiliation by constant innuendo, belittling and 'putting down'
- personal insults, name-calling and making false accusations
- aggressive gestures, verbal threats and intimidation
- persistent threats about personal security
- aggressive bodily posture or physical contact
- talking/shouting directly into someone's face
- direct physical intimidation violence or assault

9. On the other hand 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.

10. Harassment, in general terms, is unwanted and unwarranted conduct affecting the dignity of an individual or group. It may be related to age, sex, race, disability, religious belief (including denomination, theology or churchmanship), nationality or any personal characteristics and may be persistent or an isolated incident. We wish to highlight feedback from women in ministry about the number of instances of poor behaviour that they have experienced.

11. It is important to remember that while most bullying, harassment and unreasonable behaviour policies are written for use in the workplace similar problems can just as easily arise within voluntary organisations such as the church with clergy or church officers behaving unreasonably to church members or church members (or indeed members of the general public) behaving unreasonably to clergy or church officers.

12. On the whole it is safest to take the view that if a person complains that they are being bullied or harassed, then they have a grievance, which is to be investigated regardless of whether or not their complaint accords with a standard definition.

13. All complaints should be thoroughly investigated.

Unreasonably Persistent or Vexatious Complaints

14. Sometimes a complainant may persist with or return to a complaint that has been fully investigated and deemed to be unfounded. Such persistence can undermine the ministry of clergy and/or church officers and, sometimes, can in itself be considered as bullying or harassment

15. Examples of unreasonably persistent or vexatious complaints and advice on how to deal with such are detailed at Annex B.

How to Respond to a Complaint

16. Details of what to do if you feel you are the subject of or are accused of bullying, harassment and unreasonable behaviour are given at Annex A.

17. Those who find themselves investigating a complaint are to do so promptly and objectively. All complaints should be taken seriously. Individuals do not normally make serious accusations unless they feel seriously aggrieved. Any investigation must be seen to be objective and independent. Decisions can then be made as to what action needs to be taken.

18. Investigation of claims of harassment must 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 "C*ould what has taken place be reasonably considered to have amounted to unacceptable behaviour?"*

Informal approaches

19. In some cases, it may be possible to resolve 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 individual will choose to do this themselves, or they may need support from a third party (colleague, church members, friend or a counsellor.)

Counselling

20. Counselling can play a vital role in helping resolve complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action.

21. Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant.

22. The diocese provides an employee assistance programme which includes a counselling service. This is available to all clergy, diocesan employees and family members details of which may be found at: https://www.lifeandprogress.co.uk/

23. Username: hereforddiocese. Password: Employee. Or by calling 0800 083 3375

24. The Diocese also provides a bespoke counselling services. Details of which can be found at: https://www.hereford.anglican.org/parish-support/clergy/counselling-service/

Mediation

25. An independent third person or mediator can sometimes help resolve issues. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue. The mediator does not take sides or tell those in disputes what to do.

26. Mediation is most likely to be successful if both parties:

    - understand what mediation involves
    - enter into the process voluntarily
    - are seeking to repair a relationship.

27. Mediation can be a good way of dealing with bullying, discrimination or harassment situations depending upon the nature of any allegations.

Fair procedures

28. When both the alleged perpetrator and the target are clergy persons or licensed lay ministers, complaints of bullying or harassment may, with the target'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 alleged perpetrator is a clergy person, it may be more appropriate for the target, or an archdeacon with the target's consent, to make a complaint under the applicable clergy conduct legislation

29. When the alleged perpetrator is a lay person, complaints of bullying or harassment may, with the target's consent, be dealt with according to the circumstances.

False accusation

30. False accusations are a serious matter. The behaviour of anyone who is found to have made an unfounded, deliberately malicious complaint or allegation will be regarded with the utmost seriousness and where possible formal action taken. In the case of a clergy person this may be a complaint under the applicable clergy conduct legislation. 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. However, no action will be taken against individuals who raise concerns honestly and in good faith, even if those concerns are not upheld.

Confidentiality

31. It is diocesan policy that issues of bullying, harassment and unreasonable behaviour are to be treated with the highest degree of confidentiality reasonably possible and that no action will usually be taken without the willing consent of those who feel they have been the subject of such behaviour. However, information may need to be shared where necessary to investigate concerns, comply with legal obligations, safeguard individuals or protect others from harm.

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

A1. 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

A2. 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.

A3. Try to get witnesses to bullying incidents and avoid situations where you are alone with the bully. Find out if you are the only person being bullied or whether other people are also affected now or have been in the past.

A4. If possible, clarify your role description so that you can check whether the responsibilities you are given match it.

A5. Research all the available informal and formal options open to you and what support and advice is available including from qualified counsellors, professional associations, trades unions and the police.

A6. Report or talk through your concerns to your line manager, Area Dean, Archdeacon, Bishop or the Diocesan Secretary. If you are unsure, please email your concerns to HR@hereford.anglican.org or use our online form. In this case our qualified HR manager will allocate the next steps to the appropriate person.

Informal action

A7. 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.

A8. It has been shown that it is rarely advisable for a target to confront a bully alone, without professional support. Consult a Harassment Adviser or professional mediator 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. Advice on finding a Harassment Adviser or professional mediator may be sought from the Diocesan Secretary.

A9. It is often the case that informal means, including considering alternative dispute resolution such as mediation or restorative justice, are effective in stopping the offensive behaviour before formal procedures are invoked. But it should also be made 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.

A10. Any complaint of bullying or harassment should be notified, in confidence, to your Area Dean or archdeacon. Once an outcome has been agreed between the parties, the area dean or archdeacon will monitor the situation as appropriate.

A11. If the Area Dean or archdeacon decides the matter is sufficiently serious or constitutes gross misconduct, they will make a file note of action taken and with your permission, institute an investigation under the formal procedures.

Formal action

A12. Formal procedures are not dependent on you having to take personal action to ask the bully to stop their behaviour. It is recognised that by its very nature bullying is something that happens over a prolonged period of time and the longer it goes on the more difficult it is to take personal action to confront the behaviour.

A13. If the perpetrator is a clergy person or licensed lay worker, and if an informal approach fails or you are unable to make an informal approach, it may be appropriate to use the Grievance Procedure for Licensed Ministers or, in the case of a clergy person, the applicable clergy conduct legislation. In such circumstance seek advice from your Archdeacon.

A14. If the perpetrator is a lay person, you should contact the Diocesan Secretary to find out what options, which may include support for legal action, may be available to deal with the issue.

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

A15. 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.

A16. 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 … or it may be that your actions can be justified.

A17. If accused of harassment Clergy are encouraged to contact their Area Dean, archdeacon, bishop or the Diocesan Secretary. The aim of the person you contact will be to facilitate discussion with a view to resolving the problem at source if possible.

A18. 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.

A19. The diocese must ensure that any formal procedures are fairly and properly followed. Details relating to the circumstances that gave rise to the complaint, the evidence of witnesses and the nature of the professional relationship between the person complaining and yourself will all be taken into account.

A20. If you are a clergy person or a licensed lay minister accused of bullying another minister a formal complaint may be made under the Grievance Procedure for Licensed Ministers.

A21. If you are a clergy person accused of bullying other clergy or laity there will be consideration of whether the matter constitutes misconduct under the applicable clergy conduct legislation.

A22. If you are a lay person accused of bullying a minister or another member of the laity this may be dealt with in various ways depending on your position. Find out what formal procedures the diocese has in place for dealing with such complaints.

A23. 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.

A24. 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.

Annex B

Dealing with an Unreasonably Persistent and/or Vexatious

Complainant Record keeping

B1. As soon as it becomes apparent that an unreasonably persistent and/or vexatious complainant situation has arisen a record should be maintained of all contacts and actions taken.

Examples of Unreasonably Persistent and/or Vexatious Complaints

B2. An unreasonably persistent and/or vexatious complainant is one who may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the power of the person or persons to whom the complaint has been made to investigate, change or influence (examples could be something that is the responsibility of another organisation)
- make what appear to be groundless complaints about the individual(s) dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts, by any means, in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of individuals and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate individuals dealing with their complaint, by use of foul, inappropriate, offensive or racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively "scattergun" approach, for instance, pursuing a complaint with numerous other individuals or organisations.
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persist in seeking an outcome which has been explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- combine some or all of these features

Options to restrict contact

B3. If a complainant continues to behave unreasonably after they have been asked to modify their behaviour one of the following the options should be considered:

Option 1: Require the complainant to contact a named individual only. Single point of Contact (SPOC)

Option 2: Restricting contact (whether via telephone, face to face, or digital) to specified days and times.

Option 3: Terminating contact if the complainant persistently raises issues to which a full response has already been made.

Option 4: Terminating contact if the complainant is aggressive, rude, abusive or offensive.

Option 5: Restricting the issues on which further correspondence will be considered.

Option 6: If sent a large volume of irrelevant documentation such documentation may be returned. In extreme cases the complainant may be informed that further irrelevant documents will be destroyed.

Option 7: If the reasons for a decision have already fully explained and the complainant has exhausted the procedure to request review of that decision, response to further correspondence that does not raise new issues will be declined.

Option 8: Emails may be blocked or re-directed to a single point of contact (SPOC) if the number and length of emails sent is excessive.

Option 9: No response will be made to correspondence that is abusive or offensive and we will block emails that are abusive or offensive.

Option 10: If a complainant makes a large number of reports which prove to be unfounded, they may, in future, be asked that any further allegations are supported by an independent third party, a legal representative or an advocate. This restriction will not apply where safeguarding concerns, criminal allegations, or matters giving rise to a statutory duty to investigate are raised.

B4. When the decision has been taken to apply this policy to a complainant, the complainant should be informed in writing:

- what action will be taken
- why such action will be taken
- the duration of that action

B5. Where the behaviour is so extreme or it threatens the immediate safety and welfare of others, alternative options should be considered, for example reporting the matter to the police or taking legal action. In such cases it may not be necessary to give the complainant prior warning of that action.