



## **DIOCESE OF SODOR AND MAN**

### **BULLYING AND HARASSMENT POLICY**

This policy supersedes any previous policy of this nature. It will be reviewed as appropriate, and amended where any clarification or actions are needed, and at a minimum 2 yearly.

Date of Approval	28.01.2021
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## **BULLYING AND HARASSMENT POLICY**

### **1. Statement of commitment**

The Church is required by God to foster relationships of the utmost integrity, truthfulness and trustworthiness. Abuse, harassment and bullying – however rare - will not be tolerated in the Diocese. All complaints of abuse, harassment and bullying will be taken seriously and thoroughly investigated.

### **2. What does the law say about harassment and bullying?**

The law protects employees from harassment while applying for a job, in employment and in some circumstances after the working relationship has ended (for example, in relation to the provision of references).

The Equality Act 2017 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. There is also protection for people against harassment on the basis of the membership or non-membership of a trade union.

The Protection from Harassment Act 2000 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment. As a result, in some cases individuals can be personally liable for the harassment of colleagues or third parties (e.g. visitors). In these cases, individuals may be ordered to pay compensation and can be prosecuted under criminal as well as civil law.

There is no separate piece of legislation which deals with workplace bullying in isolation. However, bullying could relate to discriminatory behaviour or other aspects of legislation governing employment rights.

The legislation outlined above does not provide protection for volunteers. However, volunteers are included in this policy as we are committed to creating a working environment free from harassment and bullying for *all* our people.

### **3. To whom does this Policy apply?**

This Policy applies to everyone in the Diocese, lay and ordained, who is in any way connected to the Church. It covers all working relationships, informal relationships and any areas where responsibility for individuals is exercised. While it is fundamentally about office holders and employees being allowed dignity at work, it extends to cover readers, parish officers and others that volunteer on behalf of the Church.

It is fully recognised that there are separate terms or conditions which will affect clergy, employees, parish officers and other lay persons. There are some issues that may be pursued through disciplinary or grievance procedures.

This Policy provides a practical approach to considering cases that arise, especially for those who are not subject to these terms or conditions. Its purpose is to provide a Diocese-wide framework for the recognition and consideration of instances of bullying and harassment. By definition this Policy is not contractual, but it is an application of “best practice” that supports the Diocese in identifying where there is bullying and harassment, understanding the issues and recommending possible courses of action.

This policy does not and is not intended in any way to replace, avoid or negate any contractual terms and conditions that may apply, nor does it prevent any terms or conditions being invoked subsequent to the application of this Policy.

## **4. The Policy**

This Diocese takes the view that if a person complains that they are being bullied or harassed; it is duty-bound to investigate, regardless of whether their complaint accords with a standard definition.

### **4.1 Informal support and initial conversation**

It is important that support is offered informally at the earliest opportunity to someone who may be experiencing bullying and harassment. An initial conversation at this point could prevent a worse situation developing and avoid the need to enter into more formal procedures. Clergy, employees, parish officers or other lay persons who would like an initial conversation may, in the first instance, contact the Diocesan Secretary, the Archdeacon, or Human Resource Officer (HR).

### **4.2 Confidentiality**

The complaint will be treated confidentially. No formal action will be taken without the willing consent of the person who feels they have been a target. However, it must be clearly understood that if, during the course of an investigation, any civil or criminal activity is alleged or suspected, the Diocese is compelled by law to inform the relevant authorities. This may require the Diocese to suspend or close its own investigation.

### **4.3 Harassment Advice**

This policy will be coordinated by the Diocesan Secretary, HR or the Archdeacon. They will be available to listen to complaints and offer support, advice and information. They will maintain confidentiality and will not make judgements and recommendations or write reports; they will listen in an informal setting and allow the individual/s to decide what action to take or what support they think they need.

The main duties of the Diocesan Secretary/HR/the Archdeacon will be:

- listening to the individual who believes they are being targeted and sharing options to address their concerns;
- Finding out all relevant information, including asking the individual to record examples of unacceptable behaviour;
- Arranging support to the individual if the matter is taken further.

The Diocesan Secretary/Archdeacon will consider how best to proceed when an allegation has been made. The circumstances of the complaint and the attitudes of the parties may determine the approach followed by the Diocesan Secretary/ Archdeacon. However, any approach will be with the agreement of all the individual/s concerned.

### **4.4 Fair procedures**

This Policy is intended to forestall the use of formal procedures or provide a process if no contractual or other terms or conditions exist. This section highlights where such procedures or terms or conditions may be invoked.

The Clergy Discipline Measure (CDM) 2005 provides a structure for dealing with formal complaints of misconduct, including bullying or harassment, against members of the clergy, other than in relation to matters involving doctrine, ritual or ceremony.

When the accused individual is an employee, complaints of bullying or harassment may be brought under the Diocesan Grievance Procedure, with upheld complaints being dealt with under the Diocesan Discipline Procedure.

Where terms or conditions apply to one of the parties, advice may be sought from the Registrar about the most appropriate procedure to follow. It may be that, due to the locus of the parties involved, the complaint could be dealt with in a number of ways according to the circumstances. This will depend on whether parties are willing or unwilling to invoke terms and conditions, or whether HR/the Archdeacon and both parties feel a less formal route is preferable.

Dealing with volunteers requires a different process, as most will not be subject to employment terms or conditions. However, all volunteers are covered by this Policy and will be requested to take part in any such process.

#### **4.5 False accusations**

Every complaint will be considered in good faith. However, false accusations are a serious matter. An unfounded, deliberately malicious complaint or allegation will be taken very seriously and where possible, formal action taken.

### **5. Mediation**

Working to develop a culture that makes it less likely that bullying and harassment will take place and acting swiftly to nip it in the bud if it does, will help to reduce the need for legal action. For these reasons the priority is to encourage a mediation process to be adopted. Mediation is not legally binding and does not decide who is right or wrong; it allows parties to speak openly and honestly about their disagreements using a third party (mediator) to help them work through their differences.

#### **5.1 How it works**

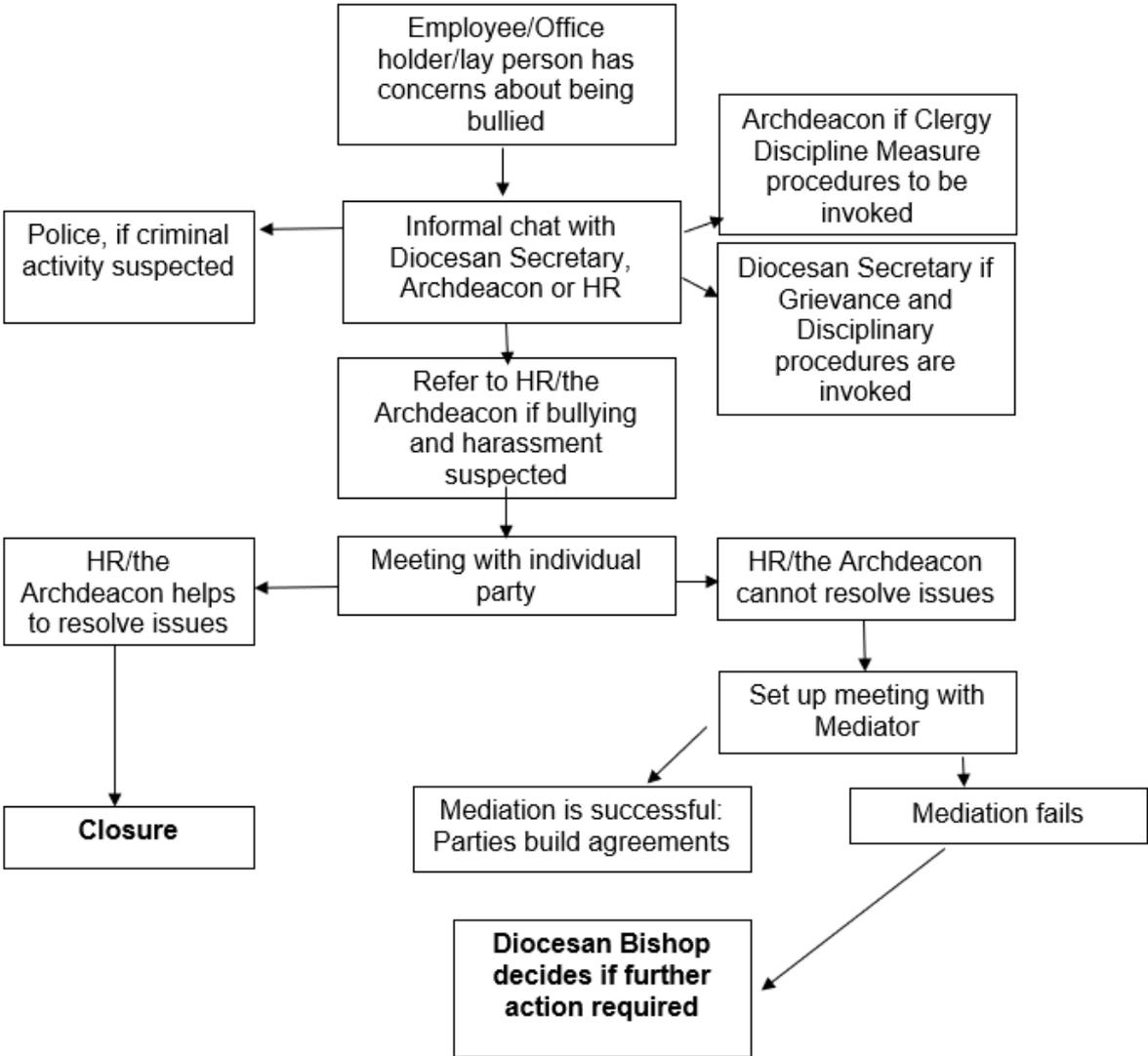
1. An individual or group has concerns about being bullied or harassed.
2. They have an informal discussion with the Archdeacon, Diocesan Secretary or HR.
3. If criminal activity is suspected, the Police will be contacted.
4. If the CDM procedure is to be invoked, the Bishop will take this forward after discussion with the Registrar.
5. If neither 3 nor 4 apply and bullying or harassment is suspected, HR/Diocesan Secretary/the Archdeacon will carry forward the complaint.
6. Diocesan Secretary/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, Diocesan Secretary/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. HR/Diocesan Secretary/the Archdeacon works with the parties together to resolve the issues.

*Steps 2 - 8 should be a quick and informal process.*

If the issues are still not resolved, and both parties agree, HR/the Archdeacon will organise a meeting with a mediator. The mediation process begins. The issue is resolved and the process is ended

If the mediation does not resolve the issues and a report is sent to the Bishop that outlines the process followed but does not divulge the details of the mediation. The Bishop decides if he needs to take any action.

**5.2 Flow chart**



**5.3 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. The mediator acts as a neutral third party and facilitates rather than directs the process.

Mediation can assist the process of reconciliation as it encourages clarification of what has happened, how it is perceived by the other person and acknowledgement of the depth of anger and hurt. Reconciliation, when possible, involves the rebuilding of damaged relationships for both parties. Mediation should not be seen as committing people in advance to a particular outcome, but it does require willingness by all concerned to find a mutually acceptable solution. The emphasis is on collaborative problem-solving between those in dispute – ‘win/win’.

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 and those in dispute want it to work. They must be prepared to be open and honest and to consider working towards reconciliation and a continuing relationship. The process of helping the parties to work through their issues openly is likely to encourage better collaborative working in the future, particularly when time is spent allowing people to explain how they feel about the other's action or just gaining an understanding of what they didn't know or understand.

Mediation is usually much quicker than formal processes and often produces longer lasting and more positive solutions. The greatest benefit is that it allows individuals to control the process and find their own solutions. Nothing is imposed, although a mediator will skilfully guide people through their difficulties and encourage them to look to the future if they become stuck in the past. It generally has a benefit even if agreement is not reached – participants usually have a better understanding of the other, even if they still cannot agree. It is an entirely confidential process between the parties concerned.

#### **5.4 Setting up mediation**

In situations where the Archdeacon has not been able to help the parties to resolve the issues, they may decide that it would be appropriate to encourage the parties to consider mediation. This is a voluntary process aimed at resolving the issues. While no-one can be compelled, they would be encouraged to take part to move the process forward. If both parties agree, HR/the Archdeacon will set up a meeting with a mediator.

#### **5.5 The mediation process**

Mediation helps the parties in the dispute to identify the 'real' issues, to work through them openly and honestly and encourages options for resolution. The mediator is the facilitator and plays an active role in guiding parties through the confidential process in an impartial and empathetic way.

The Stages:

- Separate meeting with the individual parties
- Hearing the Issues
- Exploring the Issues
- Building to establish solutions
- Write conclusion/agreed outcome
- Closure

#### **5.6 If mediation fails**

If in the opinion of HR/Diocesan Secretary/the Archdeacon, the mediation process has failed, he or she will inform the Bishop of this.

## **Appendix A: What is harassment?**

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have rejected or submitted to such behaviour in the past.

Examples of harassment could include (but are not limited to):

- Unwanted threatened or actual physical contact or violence, such as touching, pinching, pushing, grabbing, brushing past someone, and more serious forms of physical or sexual assault;
- Unwanted sexual advances, lewd or suggestive comments or behaviour;
- Continued suggestions for social activity after it has been made clear that these are unwelcome;
- Deliberate exclusion from work activity or conversations;
- Sending or displaying material in any format that is pornographic or that some people may find offensive (including posters, graffiti, e-mails, messages, clips or images sent by mobile phone or posted on the internet);
- Mocking, mimicking, belittling or making jokes and comments about a person (or a group stereotype) in relation to their age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, religion or belief, sex or sexual orientation;
- Using profanities or swearing that could have the effect of intimidating a person. Chapter is a Christian organisation and therefore the use of profanities could have a significant impact on the individual and the culture of the organisation.

Harassment can be unintentional, for example, if a person speaks or behaves in way that they don't find offensive, but that another person does. The key is that the words or behaviour are unwelcome or unacceptable to the recipient. A person may also be harassed even if they were not the intended 'target' of harassment. For example, a person may be harassed by jokes about a religious group that they don't belong to, if those jokes create an offensive environment for him/her.

## **Appendix B: What is bullying?**

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority and can include personal strength or the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Examples of bullying could include (but are not limited to):

- Verbal abuse, such as shouting, swearing, threatening, insulting, being sarcastic towards, ridiculing or demeaning others;
- Physical or psychological threats or actions towards an individual or their personal property;
- Practical jokes, initiation ceremonies or rituals;
- Overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following our policies and procedures;
- Inappropriate comments about someone's performance;
- Abuse of authority or power or use of unfair penal sanctions;
- Ostracising or excluding someone from meetings, communications, work or volunteering events or socials;
- Cyber bullying, such sending, distributing or posting detrimental texts, clips or images about or of colleagues.

Legitimate, reasonable and constructive criticism of an individual's performance or behaviour, or reasonable instructions given in the course of employment, will not amount to bullying on their own.

## **Appendix C:**

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

*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**

1. Look after yourself. Seek support and use this policy to seek resolution of your feelings.
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.
3. Try to get witnesses to bullying incidents and avoid situations where you are alone with the bully.
4. If possible, clarify your role description so that you can check whether the responsibilities you are given match it.
5. 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. Speak to the Diocesan Secretary, the Archdeacon, or HR who will be able to offer support or put you in touch with someone else who can help. They will guarantee appropriate confidentiality and will meet with you in private to talk through your complaint 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.
6. 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; it has been shown that it is rarely advisable for a target to confront a bully alone, without professional support. Discuss with HR or the Archdeacon or the person supporting you 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.
7. Every effort should be made to use informal means, including considering alternative dispute resolution such as mediation, to stop 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.
8. For clergy: Whenever possible, 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 Archdeacon will monitor the situation as appropriate. For employees and laity in parishes, contact HR.
9. 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.
10. 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 and the longer it goes on the more difficult it is to take personal action to confront the behaviour.
11. 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 or the Clergy Discipline Measure 2005.
12. If the perpetrator is a lay person you speak to HR who will advise you on the process to follow. The earlier action is taken the better.

## **Appendix D:**

### **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 to establish the true nature of the situation. It is possible that there will 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 harassment has taken place – simply to deny there is a problem, or that the problem lies with the person complaining will not normally be sufficient.
3. Clergy are encouraged to contact HR, the Archdeacon or the Diocesan Secretary, 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. Employees and lay persons should speak to HR who will be able to offer support or put you in touch with someone else who can help. They will guarantee appropriate confidentiality and will meet with you in private to talk through your concern so that you can decide what you want to do about it if necessary.
5. 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.
6. The Diocese will 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.
7. 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. 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 Clergy Discipline Measure 2005.
8. If you are a lay person accused of bullying a minister or another member of the laity, there are several ways this may be dealt with, but these guidelines will be followed.
9. Throughout any formal or informal procedures, the principal objective is to identify the underlying issues and eliminating the cause of offence as quickly as possible and with minimal recrimination.
10. As a result of formal or informal action you may be offered help to recognise, understand and modify your behaviour; you are strongly advised to accept this help.