

## EDBF DIGNITY AT WORK ANTI-HARASSMENT & BULLYING POLICY

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Scope	<p>This Policy applies to all EDBF and EDPS Ltd employees plus those individuals identified in paragraph 2. EDBF reserves the right to amend this policy at its discretion at any time. It does not form part of any employees' contract of employment with EDBF.</p> <p>Where EDBF is referred to in this policy, it is used as an umbrella term for both EDBF and EDPS Ltd.</p>
Extensions	Individuals identified in Paragraph 2.
Exclusions	None

# Anti-Harassment & Bullying Policy

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## 1. Policy Statement

All employees are to be treated with dignity and respect, free from harassment or other forms of bullying at work. This document sets out examples of the type of conduct that may constitute harassment or bullying and our commitment to eliminating such conduct.

You are responsible for treating your colleagues with dignity and respect and should consider whether your conduct, including physical, verbal and non-verbal behaviour could be offensive to others, make a colleague feel intimidated or cause them distress.

Where harassment or bullying is shown to have taken place it will be dealt with under our Disciplinary Procedure as a form of misconduct. In some cases it may be treated as gross misconduct leading to summary dismissal of those responsible.

In the event that this policy and the law conflict, the law shall take precedence. If employees are in any doubt as to what their rights are, they are to discuss matters with their manager. If this policy changes as a result of amendments in the law, the changes will be notified to the employee via their manager.

No one will be subjected to any detriment for reporting or raising a formal complaint of harassment and/or bullying in accordance with this policy.

You and anyone accompanying you (including witnesses) to any meetings or hearings conducted in accordance with this policy must not make electronic recordings of any such meetings or hearings.

This policy does not form part of your contract of employment and it may be amended at any time.

## 2. Who is Covered by the Policy?

This policy is intended to apply to all employees of the Exeter Diocesan Board of Finance (hereafter referred to as EDBF) including full-time, part-time and fixed-term employees plus consultants, contractors, trainees, trustees and authorised volunteers whose conduct may affect the work of the diocese and impact EDBF's reputation. This policy also applies to all employees of EDPS Ltd.

It is intended that casual and agency staff and volunteers when they are considered to be undertaking activities and duties authorised by EDBF or in a capacity viewed as officially representing EDBF also adhere to this policy. In such cases, the individuals will be made aware of this policy by their official supervisor.

## 3. Scope

Under the Health and Safety at Work Act 1974 we have a duty to provide you with a safe place and system of work. This includes a workplace free from harassment and bullying which may, in certain circumstances, also amount to unlawful discrimination.



We are also responsible for ensuring that you are protected from unlawful harassment, bullying or discrimination in the course of your work on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability, pregnancy or maternity or age.

Individual employees may also in some cases be held legally liable for harassing their colleagues or third parties, and may be ordered to pay compensation by a court or employment tribunal.

#### 4. What is Harassment and Bullying?

The words harassment and bullying are often used interchangeably and the impact of either form of behaviour on the individual can be the same. Bullying itself is not against the law but harassment is under the Equality Act 2010. Employees and officeholders can bring complaints under this Act and other legislation covering discrimination and harassment. But unless bullying amounts to conduct defined as harassment in the Equality Act 2010 it is not possible to make a complaint to an Employment Tribunal about it.

Sexual harassment is one of the forms of harassment specifically outlawed by the Equality Act 2010. (See also 'Dignity at Work' 2008 Ministry Division of Archbishops' Council).

**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.)*

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.

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 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.

Harassment and bullying 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 in the workplace but also work events such as business trips, events or social functions organised for or on our behalf and whether on or off our premises. 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.

Harassment or bullying 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, employees 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 colleague by another which creates a hostile or intimidating working environment. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive 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 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.

Further, employees can make a complaint where they are harassed by someone who does not work for EDBF such as a volunteer, parochial officer, or other person they come into contact with as a direct result of carrying out their duties for EDBF.



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.

Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

## 5. Examples of Harassment or Bullying behavior

Most people will agree on extreme cases of bullying and harassment but it can be more difficult to identify in the grey areas.

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.



- Abuse of authority or power by those in positions of seniority.
- 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.
- Misuse of power or position.
- 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 and constant 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.

## 6. Patterns of Behaviour

Harassment and bullying 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 harassment or bullying 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 who bully often sense who is most vulnerable or lacking in power and repeat patterns of bullying behaviour in different contexts.



## 7. Understanding the Effects of Harassment and Bullying.

### ***The Effect on Individuals:***

Harassment and bullying can cause the recipient to feel anxious and humiliated. A person who is being bullied may 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 woman may feel especially vulnerable in making a complaint against a man in a leadership position within EDBF, fearing that her perspective and experience may not be understood by male senior managers.

Someone being bullied 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 or harassment 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. Often, work performance and relationships suffer with effects that can be long term and sometimes permanent.

### ***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 work place' 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 for 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, women or men, may bully and harass or be the victim of such behaviour. As a result they may wrongly interpret 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.

***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. A person prone to bullying and harassing and not open to self-examination is likely to adopt a threefold strategy of defence when confronted with a complaint:

- Denial.
- Counter-attack against the complainant (who may well have been provoked into behaving badly in an attempt at self-defence).
- Presenting themselves as the victim ('poor me') of the person making the complaint, thereby gaining sympathy.

Having placated authority during an investigation, a person who habitually bullies or harasses may return to their previous pattern of behaviour, targeting the same person or finding an alternative victim. Whatever the outcome of a complaint, subsequent monitoring by the person who has investigated the complaint is essential to ensure that the behaviour does not recur.

***Critical Feedback:***

Behaviour considered harassment or bullying 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.

Effective critical feedback offers the maximum useful information with the minimum of stress or threat. Critical feedback should not be given in a public situation (although on occasions it may be necessary to arrange for another person to be present for the protection of both parties). It should be specific and accurate, describing the action(s) not the person, avoiding judgemental labels (thoughtless, selfish, inconsiderate, incompetent etc.) and generalizations or exaggerations ('You never.....,' 'You always....').

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.

#### ***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 taken under our Disciplinary Procedure. 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.

## **8. Informal Steps to Resolve Harassment or Bullying**

If you are experiencing bullying or harassment you should not suffer in silence or feel that you are to blame for in some way inviting bullying behaviour, or feel inadequate for being unable to deal with it. Bullying and harassment by their nature disempower and undermine the confidence of the person who is the target. It is best to take action as early as possible. It may be tempting to delay in the hope that things will improve, but dealing with the matter early can prevent it becoming public or escalating.

If you consider that you are being bullied or harassed, in the first instance you may, if you feel able, attempt to resolve the problem informally with the person responsible and explain clearly to them that their behaviour is not welcome or makes you uncomfortable. But it is recognised that for most people this is too stressful a proposition to do on your own, so please seek support from your manager who will provide confidential advice and assistance to those who believe they have been



bullied or harassed and will offer to assist in the resolution of any problems, whether through informal or formal means.

If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then contact your manager confidentially, on an informal basis. They will be able to advise you how your concerns will be dealt with.

If informal steps have not been successful or would not be appropriate, follow the formal procedure set out below.

## 9. **Raising a Formal Complaint about Harassment or Bullying**

The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases, or where the informal procedure has been unsuccessful, raise your formal complaint in writing with your manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.

If the matter concerns your manager you may refer it to the Diocesan Secretary (or other suitable person in the event of conflict) who will delegate it to an Executive Director of the Board of Finance, or deal with it personally.

### ***Reporting Bullying Behaviour:***

The disempowering nature of being the target of bullying or harassment, often over a prolonged time period, means there are times when taking action yourself is too difficult. Indeed, research and experience show that it is generally inadvisable for a target to confront a bully alone without professional or other support. The person investigating will be able to identify a professional with experience of dealing with bullying and harassment (e.g. a professional counsellor or trained mediator) and you will be able to discuss with them whether and how to confront the person.

In addition to recognising the emotional and psychological effects of bullying, those investigating will need to establish the facts. In particular they will need to know:

- What happened?
- Where and when did it occur?
- Was this the first incident or have there been others?
- Who was involved?
- Were there any witnesses?
- Has any action been taken about it, or any attempts to prevent further bullying or harassment?



### ***Action You Can Take Yourself:***

- Keep a factual log of all incidents as soon as possible after the event: dates, times, nature of incident, witnesses, details of accusations or criticisms and how you felt in response, copies of e-mails and other correspondence. This will help you see more clearly whether, even if the incident(s) seem relatively trivial, there is a pattern of behaviour. It will also provide evidence, should harassment, victimisation or bullying continue/ recur or action become necessary.
- As far as possible, avoid situations where you are alone with the bully.
- Try to get witnesses to bullying incidents: if possible, talk to those who witnessed what has happened and ask if they will offer support and corroboration.
- Try to find out if you are the only person being bullied, or if someone else is suffering in silence.
- If the alleged bullying or harassment is focused on your work performance, it may be helpful to clarify if responsibilities or duties allocated match your role/job description (e.g. is the workload unreasonable?).
- Get support: talk with a trusted colleague or spiritual director who understands the need for confidentiality and who is able to offer support and help clarify the issues and possible courses of action.

Those investigating may need to see your detailed log of evidence, together with copies of any emails or other correspondence, to enable them to get as full a picture as possible.

EDBF 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 taken into account. Appropriate support will be offered to those making a complaint. In addition the alleged perpetrator may be offered help to recognise, understand and modify their behaviour and will be strongly advised to accept this help.

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

As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

## **10. Formal Investigations**

All complaints will be taken seriously and there will be no blame attached to a person who makes a complaint in good faith. Those investigating will recognise that



allegations are not made lightly; a complainant's account will be accepted as a valid account of his/her subjective experience.

It is EDBF policy to treat allegations of harassment or bullying with strict confidentiality. 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 harassment or bullying, 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 police or social services. However, 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.

Confidentiality is an important part of this policy and details of the investigation and names of relevant people must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

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.

In fulfilling the commitment to investigate allegations promptly, the person to whom the initial allegation is made will, with the explicit consent of the complainant:

- Discuss the matter with the People Team within 48 hours.
- Respond to the complainant within 7 days of the original complaint.
- Provide a written explanation of an intended course of action to the complainant within 14 days of the original complaint.
- Provide subsequent reports of progress to the complainant at least every month.

### ***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.

- We will appoint a manager, Executive Director or other appropriate person (hereafter 'manager') with suitable experience and with no prior involvement in the complaint to investigate (hereafter "investigator").



- At the outset of the investigation, the investigator will meet with you to hear your account of the events leading to your complaint.
- We will arrange further meetings with you as appropriate throughout the investigation and/or at its conclusion.
- The investigator will also meet with the alleged harasser or bully.
- It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.
- Your name and the name of the alleged harasser or bully will not be divulged other than on a 'need to know' basis to those individuals involved in the investigation.
- We will set out a provisional timetable for the investigation, which will be communicated to all parties.
- Consideration will be given to whether the alleged harasser or bully should be re-deployed temporarily, or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.

At the conclusion of the investigation:

- The investigator will submit a report to another manager nominated to consider the complaint.
- The manager will usually arrange a meeting with you to report the outcome within a week of the conclusion of the investigation.
- A copy of the investigator's report together with the manager's findings will be provided to you and to the alleged harasser.
- If the manager finds that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under our Disciplinary Procedure.

Even where a complaint is not upheld, consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

Any worker who, after investigation, is found to have deliberately provided false information or to have acted in bad faith may be subject to action under our Disciplinary Procedure.

## **11. For Those Accused of Harassment or Bullying**

You should notify your manager diocesan secretary or senior manager, as appropriate and without delay of the allegation.



Bullying and harassment will always be taken seriously. Investigation of an allegation does not signify a judgement that you are guilty, or are assumed to have behaved inappropriately, but it must be fairly and fully investigated. As part of this investigation you will be asked, as a matter of course, to reflect on your behaviour and the possibility that you might be at fault, whether consciously or not. Such investigation is essential in uncovering the truth, but does not mean that you are being pre-judged.

You should be very careful not to behave towards the person making the allegation in any way that might cause further difficulties between you.

The perception of the person complaining of bullying or harassment must be considered. It is possible that a problem has arisen because you did not realise the effect of your actions and did not intend the effect complained of. Whilst not all complaints are justified and some may arise from misunderstanding, simply to be defensive and deny there is a problem, or to insist that the problem lies with the person complaining, is unrealistic and is more likely to aggravate the situation. Attempting to see the situation from the other person's point of view and to understand how they may have been affected may be sufficient to resolve the situation.

The aim will be to facilitate discussion with a view to resolving the problem at source, if possible.

## 12. Appeals Procedure

If the complaint has not been resolved to your satisfaction you may appeal in writing to Diocesan Secretary, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior manager or Executive Director who has not previously been involved in the case, (although they may ask anyone previously involved to be present). You have a right to be accompanied by a colleague or trade union representative to the meeting.

If you or your companion cannot attend the appeal hearing you should inform us immediately and we will arrange an alternative time. You must make every effort to attend the appeal hearing, but if you cannot attend we may have to take a decision based on the available evidence.

At the appeal hearing we will go through the complaint made of harassment or bullying and the evidence that has been gathered. Your companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a hearing.





We may adjourn the appeal hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will confirm our final decision in writing, usually within one week of the appeal hearing. Where possible we will also explain the outcome of the appeal to you in person.

This is the end of the appeal procedure and there is no further appeal.

### **13. Right to be Accompanied**

At the outset of any appeal process, you will be made aware of your right to be accompanied by a work colleague or trade union official (a “Companion”) to any appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell your manager who your chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days we may require you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) where this will help overcome a disability, or where you have difficulty understanding English.

If an employee indicates that they do not want a companion, this must be noted in the minutes of the meeting.

See Appendix A for Guidance on the role of a companion.

### **14. Protection for those Making Complaints or Assisting with an Investigation**

Employees who make complaints or who participate in good faith in any investigation conducted into alleged harassment or bullying will be protected from any form of intimidation or victimisation as a result of their involvement.

If you consider that you have been subjected to any such intimidation or victimisation you should seek support from your manager. They may alternatively or additionally raise a complaint in writing under this procedure or our Grievance Procedure.

### **15. Confidentiality**

Confidentiality is an important part of the procedures provided to deal with harassment and bullying. 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 may give rise to disciplinary action under our Disciplinary Procedure.

## 16. A Whistle Blowing Policy

To fulfil their commitment to safeguard and promote the welfare of children and vulnerable adults, all organisations that provide services for, or work with, children or vulnerable adults are required to have appropriate whistle-blowing procedures, and a culture that enables issues about safeguarding and promoting the welfare of children and vulnerable adults to be addressed.

Whistle-blowing may also apply to situations such as those covered by this document, namely unacceptable practice, performance or behaviour in situations unrelated to children or adults who may be vulnerable, and these same principles can be applied.

The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns. Whilst the Act does not provide the same protection for volunteers, EDBF wants to adopt the same approach in their protection.

EDBF employees are encouraged to acknowledge their individual responsibility to bring matters of unacceptable practice, performance or behaviour to the attention of their manager, the People Team or the Diocesan Secretary.

Please refer to the Whistleblowing policy for further details.

## 17. Further Help

Where appropriate, mediation and counselling are all available to help resolve matters and restore healthy relationship between both the individuals concerned.

In order to raise awareness of the often hidden nature of bullying and harassment and, as part of limiting its occurrence, open discussion of the matter can have a beneficial effect.

The following questions may help to facilitate such discussion within EDBF, and in particular the Employee Forum:

- How did Jesus use his power? Compare, for example, the story of Jesus' temptation in the wilderness (Matthew 4: 1-11) with Jesus and the woman caught in adultery (John 8: 1-11).
- What lessons can we learn from Jesus' words: "The Son of Man has come, not to be served but to serve." (Matthew 20:28)?



- How easy is it to tell the difference between “firm management” and bullying? Why might something be seen as firm management by one person and as bullying by another? How could this be changed?
- As Christians we are to love one another, and also “Let the word of Christ dwell in you richly; teach and admonish one another in all wisdom” (Colossians 3:16) and to “be kindly to everyone, an apt teacher, patient, correcting opponents with gentleness.” (2 Timothy 2:25). How best can we admonish and correct without appearing to bully?

***The following websites have useful information:***

- Advisory, Conciliation and Arbitration Service: [www.acas.org.uk](http://www.acas.org.uk)
- Andrea Adams Consultancy: [www.andreaadamsconsultancy.com](http://www.andreaadamsconsultancy.com)
- Bullied and Abused Lives in Ministry: [www.balmnet.co.uk](http://www.balmnet.co.uk)
- Bully On Line: [www.bullyonline.org](http://www.bullyonline.org)
- Dignity at Work Partnership: [www.dignityatwork.org](http://www.dignityatwork.org)
- Unite the Union: [www.unitetheunion.com](http://www.unitetheunion.com)
- Restorative Justice Training Foundations: [www.restorativejusticetraining.co.uk](http://www.restorativejusticetraining.co.uk)
- Diocese of Exeter Safeguarding:  
[www.exeter.anglican.org/resources/safeguarding/](http://www.exeter.anglican.org/resources/safeguarding/)



## APPENDIX A: Guidance on the role of a Companion

This document is intended to provide guidance to individuals who have been asked to accompany a colleague to a meeting held under procedures set out in this policy

### ***Should/Can you Attend?***

You are entitled to refuse to accompany your colleague, for any reason, if you choose to do so.

If you cannot attend the meeting on the proposed date, liaise with the individual concerned or get in touch with the relevant contact in the People Team as soon as possible so that an alternative date can be scheduled. This will normally be no more than five working days later than the originally scheduled date.

### ***Prior to the Interview/Hearing***

It may be helpful for you to read the relevant sections of the Employee Handbook.

- Ensure your colleague understands the procedure to be followed. If they are in doubt, you or your colleague are to talk to the relevant contact person in the People Team.
- Ensure you are familiar with the full facts of the case and understand your colleague's views and the issues to be addressed.
- Ensure that your colleague has notified the relevant contact person in the People Team that you will be accompanying them to the meeting.

### ***During the Interview/Hearing***

During the meeting you may address the meeting in order to:

- State your colleague's case.
- Sum up your colleague's case.
- Respond on your colleague's behalf to any view expressed at the meeting (but this does not extend to answering questions on behalf of your colleague).
- You and your colleague can confer with each other at any time during a hearing. If you wish to do so privately, ask the person chairing the meeting to have an adjournment.
- You may not answer questions on behalf of your colleague.
- You may take notes.

### ***After the Interview/Hearing***

Write up your notes so that the events remain clear in your mind. You may also wish to advise your colleague to go to the relevant contact in the People Team if they are unclear about the process that will follow the interview.