



**Upper Braes Parish Church
Church of Scotland Congregation**

Charity No. SC 001385

Harassment Policy

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Log of updates

Version no. (UBPCx.x)	Date	Summary of changes
1.0	As per approved date	<p>Adapted from pre-existing Brightons Parish Church Policy version 1.0.</p> <ul style="list-style-type: none">• Title page: name change '<i>Brightons Parish Church</i>' to '<i>Upper Braes Parish Church</i>'• Page 4 section 1; Page 6 section 3 b) - '<i>Brightons Parish Church</i>' to '<i>Upper Braes Parish Church</i>'• Page 8 section 12 – '<i>Deacons' Court</i>' changed to '<i>Kirk Session</i>'

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1. Policy Statement

The Trustees of Upper Braes Parish Church (The Employer) are committed to creating a working environment which is free from harassment and which protects the dignity of all employees and volunteers. The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

All complaints of harassment will be taken seriously and dealt with promptly and impartially through an approved procedure.

All employees and volunteers of Upper Braes Parish Church are required to comply with this policy and to assist in the promotion of a good working environment free from any form of harassment. Throughout this policy, unless the context requires otherwise, "employee" includes "volunteer".

The Employer recognises that harassment and bullying can cause stress and anxiety and may lead to illness, tension or conflict amongst employees and volunteers. Incidents of harassment will be regarded seriously and can be grounds for disciplinary action up to and including dismissal.

1.1 Purpose and Scope

The purpose of this Policy is to:

- Assist in developing and encouraging a working environment and culture in which harassment is known to be unacceptable
- Alert employees to what constitutes harassment at work
- Demonstrate that harassment is unacceptable and will be dealt with promptly and fairly
- Raise awareness of the support which is available
- Establish procedures to be followed if harassment occurs
- Ensure that complaints are dealt with speedily and confidentially

1.2 Responsibilities

- i) Every employee has a responsibility to behave reasonably and in a way that is not offensive to others.
- ii) Line-managers have a responsibility to promote a culture free from unacceptable behaviour and to react to any allegations of harassment sensitively and as quickly as possible.
- iii) The example of positive behaviour is as important as formal policy. A culture where employees are consulted and problems discussed should deter bullying and harassment.

2. What is Harassment?

2.1 General

- a) Harassment is unwanted behaviour related to a "protected characteristic" namely age, disability, gender assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation which has the purpose or effect of:
 - i) violating a person's dignity, or
 - ii) creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

It can take place either in private or public and may not necessarily be face-to-face e.g. it could be via a telephone conversation, email, collaboration software or correspondence or it could be via social media such as Facebook or X (formerly Twitter). It can include imagery, physical gestures, facial expressions, mimicry, jokes or other physical behaviour. It is unwanted and unsolicited by the recipient and continues after an objection is made, although a single incident may be serious enough to constitute harassment and justify a complaint.

- b) Harassment ranges from violence and bullying to more subtle behaviour such as ignoring an individual at work. It can be directed at all levels of employees and can be a source of great stress. It covers situations where the harassment is related to the person themselves or where it is directed to others but a particular individual feels harassed because they have one of the protected characteristics listed above. The unwanted behaviour does not have to be specifically aimed at the person who finds that it violates their dignity or creates for them an intimidating, hostile, degrading, humiliating or offensive environment.
- c) Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception

that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated.

- d) Differences in attitude, background or culture can mean that what is perceived as harassment by one person may not seem so to another. Harassment will have occurred if, in all the circumstances, and taking into account the perception of the individual concerned, it is reasonable for the conduct complained of to have the effect of violating that person's dignity or creating an offensive or intimidating environment for them.
- e) In addition to being a disciplinary offence, certain incidents of harassment may also render individuals liable to prosecution in courts of law, under either civil or criminal legislation.
- f) The organisation will not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

2.2 Sexual Harassment

- a) Sexual harassment is a particular type of harassment when a person does something of a sexual nature (which might be verbal, non-verbal or physical) which has the purpose or effect of:
 - i) violating a person's dignity, or
 - ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

This could include unnecessary and unwanted physical contact; unwelcome advances, attentions or propositions; displaying sexually explicit material; sexual comments; persistent demeaning or offensive jokes; sexual innuendo and expletives; unwanted comments about appearance; indecent demands or requests for sexual contact or actual sexual assault.

- b) Behaviour may be considered sexual harassment even if there was no intention to give offence.

2.3 Third party harassment

It is unlawful and inappropriate for an employee to be persistently harassed by someone who does not work for the Employer, such as Church of Scotland or Presbytery employees, church members, visitors to local work place, contractors, agency workers or any other person. If an employee feels that they have been subjected to harassment by any third party they should immediately speak to their line manager, who will be responsible for taking action on every reported complaint. If an incident of harassment recurs and an employee feels that their line manager has not taken adequate steps to deal with the problem the employee should contact the Minister or Session Clerk to let them know what has happened and discuss how the problem might be addressed.

2.4 Bullying

- a) Bullying behaviour may or may not amount to harassment. It is offensive, threatening, abusive, malicious, intimidating or insulting behaviour that may be an abuse or misuse of power, position or knowledge through means that undermine, humiliate, denigrate or injure the person concerned. It may arise when criticism is destructive not constructive, publicly humiliates rather than privately corrects and therefore results in a person feeling threatened. An assertive management style would in itself not constitute bullying but where assertiveness gives way to aggression it is likely to become destructive rather than constructive. Some examples of bullying are:
 - shouting and sarcasm
 - derogatory or belittling remarks in front of others
 - picking on people and unreasonably criticising their performance
 - punishing a competent person by inappropriately removing some responsibility or subjecting someone to group pressure
 - withholding relevant information or giving false information.
- b) Bullying can be carried out by an individual or group of individuals. It can involve someone in a position of authority bullying someone in a lesser position; however, bullying of people in a more senior position by people in a lesser position and people in an equal position can occur. All are equally unacceptable.

3. Advice and Support

- a) The Employer recognises, in cases of harassment, employees subjected to such behaviour will often be reluctant to make a complaint. This reluctance may arise due to the sensitivity of the issue and the possible anxiety in bringing forward a complaint. In recognition of these concerns, the Employer acknowledges the importance of providing support.
- b) Work Colleague
In some circumstances employees may find the necessary support from the line manager or an Upper Braes Parish Church colleague.
- c) Pastoral Support
Employees may consult the Minister, Session Clerk, Presbytery Clerk or Ministries Development Staff (MDS) HR on a confidential basis who will provide advice and pastoral support as required.

4. Harassment Procedure

- a) This procedure ensures that all employees are aware of the process to be followed in circumstances where they (employees) feel that they have been subjected to any form of harassment.
- b) This procedure ensures that complaints are addressed effectively without delay and with regard for natural justice for both the complainant and the alleged harasser(s).
- c) There are various ways in which employees can deal with harassment, from asking for the behaviour to stop, to making a formal complaint through the grievance procedure.
- d) Any complaint of this nature should be raised as soon as possible following an act of alleged harassment so that the matter can be dealt with promptly and decisively. If an employee feels that they are the victim of harassment, they should keep a written record of all relevant incidents, including dates and times, and if appropriate the names of any witnesses to the incident(s).
- e) During the formal stages of the procedure all employees have a statutory right to be accompanied by either a fellow employee or a full-time official employed by a trade union or certified lay trade union official. Alternatively, they may be accompanied by a congregation member or friend.
- f) While the complaint is under investigation, consideration will be given to whether it remains appropriate for the employee and alleged harasser to work together and will look at measures to work around this. In the case of serious allegations, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.
- g) Complaints of harassment are treated seriously. It is the responsibility of the Church to protect employees against harassment, whether from within the same employing agency, from someone within another part of the Church of Scotland or from the general public, where this occurs in the workplace or in the course of employment. It should therefore be noted that anyone found to be making mischievous or malicious complaints will be subject to the appropriate disciplinary procedures.

5. Informal Process

- a) If an employee believes that they have been subjected to unacceptable behaviour they may wish to try to deal with the situation personally by making it clear to the offender that the harassment is unacceptable and must stop immediately. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion may lead to greater understanding and an agreement that the behaviour will cease. In some cases, the employee may prefer to write a letter to the person concerned which should be dated and signed and a copy retained.
- b) The employee may wish to obtain the support from a relevant source (see section 3 above).
- c) Whilst many situations can be resolved at an informal level, formal action can be taken under the grievance procedure if the above stages fail to stop the harassment or where the behaviour is of such a serious nature that informal measures would be inappropriate.

6. Formal Process

- a) It is recognised that there may be situations where it is not easy or practical to tell the alleged harasser that the behaviour is unacceptable and/or that the nature of the harassment requires a formal procedure to be adopted. It is not necessary to have gone through the informal procedure before making a formal complaint.
- b) A formal complaint should be made to the Minister or Session Clerk. Any formal complaint must be made in writing, detailing the basis upon which the alleged bullying or harassment has taken place.

7. Preliminary Investigation

- a) It will be the responsibility of the responsible person (Minster, Session Clerk or someone appointed by them) to ensure timeous investigation of the allegation(s) and to come to a conclusion regarding the action to be taken.
- b) If, after interviewing the complainant, the Minister, Session Clerk or the person appointed by them believe that the allegation should be investigated further, then a full investigation into the conduct of the alleged harasser.
- c) All parties will be informed in writing of the allegations made against them.
- d) All investigations will be undertaken with confidentiality to the maximum extent possible and full objectivity for all parties concerned.

8. Decision

There are three potential outcomes following an investigation. These are:

- the complaint is not upheld
- evidence and/ or nature of complaint justifies mediation, counselling and/or advice for the harasser
- the complaint is upheld in whole or in part and evidence justifies proceeding to the disciplinary process and, where appropriate, resultant disciplinary action against the harasser.

9. Outcome of Investigation

9.1 No Formal Action

In circumstances where it is concluded that the allegation of harassment is unjustified or that the evidence is insufficient or inconclusive, the complainant shall be informed in writing (a) of this conclusion and the reasons for it, and (b) that, as a result, no disciplinary action against the alleged harasser is proposed.

If a complaint is not upheld, the responsible person (Minister or Session Clerk) will support both parties to continue or resume working and to help repair working relationships through facilitated discussion or mediation.

If the complainant is dissatisfied with the outcome of this process, they shall be entitled to pursue their complaint further via a separate management authority (e.g. Minster, Presbytery Clerk, MDS HR).

9.2 Formal Action

If, following a full disciplinary investigation held under the disciplinary procedure, a complaint is held to be valid, a disciplinary hearing will be arranged after which appropriate formal action will be taken, which in serious cases may include dismissal.

10. Counselling

- a) It is recognised that employees who are the victims of harassment at work may suffer emotional or psychological reactions to their experiences. It is considered essential therefore that the management response to these situations is sympathetic and supportive.
- b) Given the potential sensitivity of the issues involved and the stress present when dealing with harassment situations, the Presbytery Clerk should be contacted for advice and exploration of support available.
- c) Counselling may help resolve the issue or help support the person accused as well as the complainant. It may be particularly useful where investigation shows no cause for disciplinary action or where doubt is cast on the validity of the complaint.

11. Monitoring

The outcomes of cases where complaints of bullying and harassment have been made will be reported to Kirk Session (KS), with due regard to confidentiality, and reviewed (by KS) to identify any points that can be learned from those cases and implement any necessary changes.

The organisation will also periodically monitor how successful it is being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys.

When carrying out any reviews or monitoring, the organisation will ensure that individuals' personal data is handled in accordance with its data protection policy.

12. Policy review

The Kirk Session (or appropriate successor) will be responsible for reviewing this policy regularly (e.g. following changes in legislation).