

GENERAL SYNOD

Private Member's motion on bullying by lay people

Summary

This note should be read alongside:

(i) GS 2341A from the Ven Mark Ireland who will propose the motion: 'That this Synod, recognising:

- a. that bullying is unacceptable behaviour within the Church of God, whether by clergy or lay people, and where it exists needs to be addressed; and
- b. the serious pastoral problems and unfairness that arise while clergy can be subject to penalties for bullying that include prohibition and removal from office but there is no means of disqualifying a churchwarden, PCC member or other lay officer who is guilty of bullying from holding office;
- c. request the Archbishops' Council to bring forward legislative proposals which would enable a churchwarden, PCC member or other lay officer who was found to have conducted him- or her-self in such a manner to be disqualified from holding office.'

(ii) papers GS 2335A and GS 2335B on the debate on Code of Conduct for PCCS – 24 February (morning) – which have implications for this motion if carried, as a Code of Conduct - with a clear articulation of what behaviour is not acceptable - is a prerequisite for removing people from office who do not meet acceptable standards of behaviour.

(iii) The presentation on the Synod Code of Conduct – 24 Feb (afternoon).

The issue of bullying in churches

1. Bullying and harassment are wrong. They are not how Christians should treat one another. When not addressed, they erode the Church's credibility and its mission. Bullying can damage people, destroy their morale and levels of trust, and render them unable to fulfil their vocation. It can potentially result in huge legal costs and reputational damage.
2. There is evidence that bullying happens, alas, within the Church including bullying of clergy by clergy (sometimes with a power imbalance), of clergy by laity, and of laity by clergy. But there is not agreement about how bullying is best tackled.
3. The PCR2 national report was published in October last year [Past Cases Review 2 -National Report.pdf \(churchofengland.org\)](#). Recommendation 25 states the following "*Bullying is not defined as a safeguarding issue, but is a significant concern. All church bodies are requested to ensure that identified incidents of bullying within the Church are recognised, recorded, and dealt with effectively, and in accordance with relevant HR policies or as a safeguarding concern if a threshold is met.*"

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4. The latest report of the Archbishops' Racial Justice Commission notes that "there is no national bullying and harassment policy or any consistent standard of expectations around behaviour and conduct in relation to race or ethnicity." The Racial Justice Unit of the Archbishops' Council is seeking to do further work in this area.

What work has been done on bullying?

5. Work was done in 2008, to produce a national statement, Dignity at Work, with hard copy booklets issued to all bishops and diocesan secretaries. Some dioceses (but not all) have worked on anti-bullying and harassment, alongside mediation and conflict resolution, with updated policies and have actively promoted these (e.g. Oxford and Coventry dioceses). Some recent diocesan Dignity at Work policies are available on the Church of England website for example
 - https://derby.anglican.org/en/resources,-policy-documents-and-complaints/download/4087_8eb51ce2442c041ab12dfc690216dde4.html
 - https://www.churchofengland.org/sites/default/files/2024-01/dignity_in_ministry_june_2016.pdf
6. The Church of England website also includes a section on "[How we relate to one another](#)" which gives advice on the key principles when drafting a Dignity at Work policy and includes links to the Clergy Covenant for Wellbeing, guidelines for the professional conduct of the clergy, the General Synod Code of conduct and information on social media guidelines.
7. The LLF Pastoral Advisory Group has set out some principles of pastoral practice for how the Church of England can live well together within the parameters of its current position on marriage and the different deeply held convictions that individuals and churches hold on these matters. Pastoral Principles [The Pastoral Principles | The Church of England](#)
8. Recent discussions about bullying and harassment at the Remuneration and Conditions of Service Committee in September 2023 supported a localised approach focussing on how members of the body of Christ can treat one another better rather than devising punitive sanctions against bad behaviour.
9. The National Church Institutions' External Advisory HR Service, which offers advice, guidance and additional resource to local HR professionals and leaders across the Church, has recently researched this important topic, drawing on various sources, and begun a project that:
 - Surveyed the HR Network in late 2023 on the current state of policies and initiatives, alongside a current survey of diocesan safeguarding advisers on the local PCR2 plans mentioning bullying and harassment.

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The HR survey noted that the matter had been recognised in dioceses and there were areas of good practice already in place. Local HR colleagues were keen to make use of any nationally available resources.

- Implements a pilot training scheme in up to 5 dioceses in Q2/3 of 2024 based on resources used successfully by other Churches including Training in Positive Working Together (methodist.org.uk), working with providers such as “Place for Hope” quickly to adapt effective materials and implement them in the pilot dioceses.
- Works with the 5 pilot dioceses to look at the possibility of deeper, more systemic support to get upstream of poor behaviours that might include nationally paid, supported, and trained individuals.
- Looks at how better to share good practice, by identifying dioceses, cathedrals, and parishes who do this well with a view to sharing stories of their policies and approaches with other dioceses, encouraging them to share experience and good practice
- The pilot project is being conducted using existing staff and training budgets for the NCIs’ HR Service, and reports into RACSC and the Triennium Funding Group project board. Progress is shared with CEECA the clergy trades union, and - within the NCIs - with the RJU and the NST.

Existing Disqualifications from holding office

10. Lay people can already be disqualified (by the Churchwardens Measure and the Church Representation Rules) from holding office as Churchwarden or being a member of a PCC
 - (a) If they are included in a barred list, or
 - (b) If they have been convicted of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933,
 - (c) If they are disqualified from being a Charity Trustee.

Current sanctions which might be available

11. The only way a churchwarden or PCC member can be removed from office is where, in proceedings under the Incumbents (Vacation of Benefices) Measure 1977, a tribunal has found that the conduct of that person has contributed to a breakdown of pastoral relations in the parish over a substantial period. However, this is of limited use, as the Incumbents (Vacation of Benefices) Measure is not regarded as being easy to use and only applies to cases where clergy hold office on historic freehold rather than common tenure.
12. Canon B16 gives power to the diocesan bishop to direct that a person should not be admitted to Holy Communion if that person is in ‘malicious and open contention with his neighbours, or other grave and open sin without repentance’. The power is intended primarily to protect the congregation from offence, rather than to punish the offender.

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13. Clergy on common tenure have the right to raise grievances if they feel that they need redress. See [Microsoft Word - 10 3 26 Grievance Code of Practice.doc \(churchofengland.org\)](#). However, in cases of bullying it will not usually be appropriate to treat the bullying as a grievance and deal with it informally by raising it directly with the person concerned. Clergy who are being bullied are also unlikely to make use of the formal grievance procedure, as it cannot guarantee that it will resolve the issue, especially as there is no legal requirement for lay people to engage with it.
14. Most Church law does not apply to members of the laity unless they are ministers or officers (such as PCC members), but even here Parliament is sometimes reluctant to agree legislation affecting lay members of the Church (for example, the General Synod's Legislative Committee twice withdrew versions of the Churchwardens Measure that contained disciplinary provisions from consideration before the Measure was approved by the Ecclesiastical Committee and Parliament in April 2001 with those provisions omitted).
15. Arguably by the time the word "bullying" is used, the situation has already become serious and sustained, as the definition requires a pattern of behaviour over time. The focus of anti-bullying policies needs to be on promoting a positive culture and providing training on how to deal with potential conflict before it gets toxic. This needs to be done alongside any changes to legislation.

Lay minister sanctions

16. Where licensed lay ministers are employed, they will be subject to the disciplinary procedure in their contract of employment. Where they are on common tenure, the bishop may revoke their licence on grounds of misconduct. Where they are neither employed nor on common tenure, the bishop may revoke their licence summarily after giving the lay minister opportunity to show why the licence should not be revoked and subject to right of appeal to the relevant Archbishop. There is currently no formal procedure for revoking the licence in these situations, although some dioceses may have their own procedures.

What would need to be in place to remove lay people from office where they were found to have committed misconduct?

17. It would be possible, by a resolution amending the Church Representation Rules, to add to the existing disqualifications in paragraph 10 a further disqualification where someone has been found to have committed misconduct in the form of bullying. However, before that could be put in place, it would also be necessary to have
- a code of conduct that clearly defined what behaviour was to be regarded as bullying or harassment

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- a fair and transparent process (including a right of appeal) for investigating whether bullying and harassment had taken place
 - properly trained and qualified investigators to carry out the process.
18. Standards of un/acceptable behaviour (including what would constitute bullying and harassment) would need to be defined. This is recognised in the Chelmsford diocesan synod motion (to be debated in this group of sessions on Saturday 24th February) that asks the Archbishops' Council to carry out a review to consider the possibility of drawing up a Code of Conduct for PCC members and lay volunteers. On the assumption that the Synod agrees that motion, it would be wise to wait until the Archbishops' Council had carried out that review and any code of practice had been agreed before proceeding with any desired draft legislation to tackle bullying by PCC members.
19. Any procedure for removing lay people from office would need to be national, rather than making use of individual diocesan policies, as there might otherwise be inconsistencies of treatment.
20. Any national procedure for removing lay people from office would need to provide for the following:
- suitable training to enable those investigating claims of bullying to be able to do so thoroughly and promptly;
 - a legal requirement on all Church members to co-operate with any investigation, so that it cannot be effectively stalled by refusing to engage with it;
 - the right of someone accused of bullying to put their side of the story and a legal right of appeal;
 - access to pastoral support during and after the investigation for both the person accused and the person who is claiming to be bullied;
 - appropriate penalties for allegations of bullying that are found to be untrue or malicious;
 - clarity about whether a finding of misconduct because of bullying will result in disqualification from only the office being exercised when the bullying was taking place or whether it will require resignation from all offices held (for example, would a PCC member who was found to have bullied their incumbent also be required to resign from deanery synod, diocesan synod, and General Synod?);
 - clarity about the threshold of behaviour that might require people being investigated for bullying to be suspended until the investigation has been completed;
 - a distinction between safeguarding and handling bullying¹.

¹ It is important to see bullying and harassment as distinct from safeguarding. It should not be assumed that the target of bullying is necessarily a vulnerable person, as defined in safeguarding legislation and practice, although

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21. Given the need to replace the Clergy Discipline Measure with the Clergy Conduct Measure, there is a case for waiting until the Clergy Conduct Measure has come into effect and is functioning effectively before attempting to produce a comparable process for lay people.

Is a legislative approach the best way to tackle bullying by lay people?

22. Legislation is a blunt instrument and may have unintended consequences, resulting in situations being inflamed and escalated, and affected people resorting to counter-claims of bullying. Use of a formal process needs to be a last resort, as any process would be time-consuming and emotionally draining for all those involved. A punitive approach is not conducive to giving individuals opportunity to become aware of the effect of their behaviour, reflect on it and learn to modify it. If the motion is passed, it may be worth establishing a group to consider the options for addressing bullying effectively, rather than only the legislation option of a discipline process akin to the CCM.

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one effect of bullying is that someone can subsequently become vulnerable. There can be attempts to argue that a particular case of bullying and harassment is a safeguarding matter, when it is not, in order to have access to a process for dealing with it. This is why dioceses need to have well-drafted anti-bullying policies.