# MRC HARASSMENT & BULLYING POLICY AND PROCEDURE

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# MRC HARASSMENT & BULLYING POLICY AND PROCEDURE

## Version 3.0

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Policy statement

The Medical Research Council (the "MRC") plays a leading role in supporting a wide spectrum of medical research across the UK. As an equal-opportunities employer, the MRC is committed to creating and ensuring a non-discriminatory and respectful working environment for its staff.

The MRC expects its staff to demonstrate high behavioural standards in their workplace by affording dignity, trust and respect to everyone; having an awareness of the effect of their behaviour on others; communicating honestly and openly and treating everyone consistently and fairly.

The purpose of this policy is also to raise awareness amongst staff of the unacceptable behaviours that may constitute Harassment and Bullying and to provide a framework in which Harassment and Bullying complaints can be resolved appropriately within a timely manner.

The MRC will ensure that any person bringing a claim of Harassment or Bullying in good faith may do so without fear of victimisation and that all such matters will be dealt with sensitively.

The MRC Harassment and Bullying policy and procedure (the "Harassment and Bullying Policy") is agreed with the National Trade Union Side and complies with legislation. In addition, the MRC's policies are assessed for language accessibility and equality impact. The MRC's operational activities are regularly reviewed with key stakeholders and Trade Unions, which in turn informs the further development of the MRC's policies.

For the purposes of this policy, the use of the word "staff" covers MRC employees on permanent or fixed term contracts as well as persons who are on secondment to the MRC and non-employees such as students, contractors and other persons carrying out work on the MRC premises and/or on behalf of the MRC.

1. Principles

1.1 All new staff should be made aware of the Harassment and Bullying Policy as part of their induction to the MRC.

1.2 An effective resolution to Harassment and Bullying complaints should be sought as speedily as possible to ensure working relationships are not irreparably damaged.

1.3 The MRC is committed to finding either an informal or formal resolution to all Harassment and Bullying complaints made.

1.4 When determining if Harassment or Bullying has occurred, it is not the intention of the person accused of Harassment and/or Bullying (the "Alleged Perpetrator") that is the deciding factor, but whether the behaviour is unacceptable to the recipient of such behaviour (the "Complainant").

1.5 Where, after thorough investigation, Harassment and Bullying is found to have occurred this will potentially be treated as serious misconduct or gross misconduct under the MRC Disciplinary Procedure and may, therefore, result in summary dismissal.
1.6 At all stages of the formal procedure (as set out in Section 7), the Complainant and the Alleged Perpetrator have the right to be accompanied by an MRC colleague or represented by a recognised trade union representative.

2. Definitions of Harassment, Bullying & Victimisation

2.1 Bullying may be characterised as persistent, offensive, abusive, intimidating, insulting, or malicious behaviour, language, action or conduct or misuse of power through means intended to undermine, humiliate or injure the recipient ("Bullying").

2.2 Harassment is unwanted conduct related to a protected characteristic under the Equality Act 2010 (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct. These acts will constitute as harassment whether by an MRC employee or a third party.

2.3 Victimisation - The subjection of a person to a detriment because he or she has or is going to, or is believed to have or be going to, in good faith, bring/brought proceedings under the Equality Act 2010; given evidence or information in connection with proceedings under the Act; done anything for the purposes of or in connection with the Act; or made any allegations that another person had contravened the Act.

2.4 Examples of behaviours that may constitute Harassment and Bullying are attached at the end of this policy as Appendix 1.

3. Sources of support and guidance

3.1 At any stage of the formal or informal procedure, the Complainant and the Alleged Perpetrator should be made aware of the sources of support listed below:

a) Individual’s manager;
b) Regional/Unit HR team;
c) Senior manager if manager is Alleged Perpetrator;
d) Employee Assistance Programme - 24 Hour confidential helpline (contact details in section 11 of this policy);
e) Any MRC recognised Trade Union representative; and/or an MRC work colleague.

4. Record keeping

4.1 Any individual who feels that he/she is subject to Harassment or Bullying should keep a record of the behaviour that is being directed towards him/her, noting:

- Dates, times, what happened, what was said or what was sent and any other relevant information, such as potential witnesses.
5. Training and development

5.1 Equality and Diversity Workshops are available to all MRC employees. Further information on these workshops can be found from the regional/unit HR team.

6. Harassment & bullying complaints procedure

6.1 Informal procedure

6.1.1 If an individual feels that they have been subjected to Harassment or Bullying, it is important to take action promptly.

6.1.2 Most Harassment and Bullying issues are resolved if they are dealt with quickly and informally and as close as possible to the point of origin.

6.1.3 The MRC encourages individuals take one of the following informal options to resolve the situation before considering the formal procedure set out in section 7 below.

6.2 Approach the Alleged Perpetrator directly

6.2.1 Wherever possible and appropriate, the Complainant should approach the Alleged Perpetrator, explain his/her concerns and ask the Alleged Perpetrator to stop the behaviour that is causing offence, is making him/her feel uncomfortable and is not welcome.

6.2.2 The Alleged Perpetrator is often unaware that his/her actions are inappropriate or objectionable. There may have been a misunderstanding or misinterpretation.

6.3 If preferable, approach the Alleged Perpetrator with someone else present

6.3.1 If the Complainant does not feel comfortable in approaching the Alleged Perpetrator alone, the Complainant should seek advice from a manager, senior manager, regional/Unit HR team member, an MRC recognised Representative or the Employee Assistance Programme to identify an appropriate MRC employee to support with this.

6.4 Submit a written request to the Alleged Perpetrator for the perceived behaviour to stop, explaining the distress this is causing

6.4.1 This can be handed to the Alleged Perpetrator by the Complainant, the Complainant’s manager or the Alleged Perpetrator's manager.

6.5 Mediation

6.5.1 The MRC encourages mediation as an informal resolution to Harassment and Bullying issues. However it is acknowledged that this may not be appropriate in all situations.

6.5.2 Mediation is a structured process, managed by an independent person, during which both parties can talk about the situation either separately or together, the aim is to understand the other person’s perspective, and work together towards a solution both parties are happy with.

6.5.3 Any staff considering this as a route for resolution should contact his/her regional/unit HR team.
7. Formal complaints procedure

7.1 Introduction

7.1.1 The formal procedure should be used in the following circumstances, where:

a) The informal procedure has been taken but has failed to resolve the issue, or
b) Serious Harassment or Bullying has allegedly occurred.

7.1.2 Where a formal complaint is submitted, the MRC is committed to conducting a thorough and fair investigation. All complaints will be dealt with confidentially and within a reasonable time period.

7.2 Raising a formal complaint

7.2.1 To invoke the formal procedure the Complainant should speak to one of the people listed below to make him/her aware of the situation and his/her intention to make a formal complaint;

a) His/Her manager;

b) A senior manager (if the manager is the person who is the Alleged Perpetrator); or

c) Regional/Unit HR team.

7.2.2 The Complainant should provide such person with any details they have of specific instances of Harassment and Bullying in writing along with any relevant documents including the information below if this is accessible:

a) The name/s of the Alleged Perpetrator/s;

b) Dates/Times/Locations of any incidents;

c) Nature of the incidents;

d) Witnesses to the incidents; and

e) Any action the Complainant has taken to resolve the situation informally if appropriate.

7.2.3 Harassment and Bullying complaints should be raised as soon as possible after the incidents have occurred or after the informal procedure has failed to resolve the issue.

7.3 Investigation

7.3.1 The first step in dealing with formal Harassment and Bullying complaints is an investigation.

7.3.2 The purpose of the investigation is to:

- Enable management to investigate impartially and in a timely manner any alleged Harassment and Bullying behaviour.
- Try and establish all the facts of a particular case, before deciding the outcome of the investigation.
7.3.3 The Complainant’s manager will normally conduct the investigation into the allegations (the "Investigating Manager"). This will be done in conjunction with a member of the regional/unit HR team who will provide support and guidance to the manager.

7.3.4 If the Harassment and Bullying complaint is against the Complainant’s manager then a different senior manager will be appointed as Investigating Manager who has had no prior involvement in the situation.

7.3.5 The Investigating Manager will be appropriately experienced and skilled to carry out a fair and thorough investigation.

7.3.6 The Alleged Perpetrator will be informed of the allegations against him/her at the beginning of the investigation and will be given the opportunity to respond to the allegations.

7.3.7 The MRC reserves the right to transfer the Alleged Perpetrator away from the Complainant or suspend the Alleged Perpetrator on full pay on a temporary basis to ensure a full and fair investigation can take place. Suspension will take place in line with Section 3 of the MRC Disciplinary Procedure but is not to be regarded as a disciplinary penalty or sanction.

7.4 Investigation meetings

7.4.1 As part of the investigation process the Investigating Manager will interview those involved in the complaint.

7.4.2 The Investigating Manager will arrange a meeting with the Complainant to discuss his/her complaint.

7.4.3 The Investigating Manager will also, separately, arrange meetings with the Alleged Perpetrator and also any witnesses to alleged incidents.

7.4.2 The Complainant and the Alleged Perpetrator have the right to be accompanied by an MRC colleague or represented by a recognised trade union representative.

7.4.3 Should the representatives not be available on the suggested dates of their respective meetings, they may suggest an alternative date and time within 5 working days after the date originally proposed.

7.4.4 The MRC would normally expect an investigation to be:

a) Conducted promptly without unreasonable delay; and

b) Completed usually within 10 working days (although this could vary depending on the circumstances e.g. the availability of witnesses).

7.4.5 On the occasion where it is not practicable to so do for any reason (e.g. the unavailability of a witness because he/she is on leave), the Investigating Manager conducting the meeting will write to the Complainant and the Alleged Perpetrator and advise him/her of the status of the investigation, proposed date of its completion and the reason for the delay.

7.5 Witnesses

7.5.1 Where have been witnesses to an event, they should each be asked to:
MRC HARASSMENT & BULLYING POLICY AND PROCEDURE

a) Provide a witness statement, which should clearly state his/her account of events; and

b) Date and sign his/her statement.

7.5.2 The MRC reserves the right to conceal the identity of witnesses who provide evidence if it deems it necessary and appropriate to do so. Witness statements may be anonymised where necessary. The MRC recognises that witness statements will only be anonymised in exceptional circumstances and that such statements may weaken the case if further action is taken against the Alleged Perpetrator.

7.5.3 Witnesses should be made aware that should the case proceed to a disciplinary hearing, in line with section 7.7, their statement will be divulged to the Alleged Perpetrator. Where the case is not proceeding to a disciplinary hearing the witness statements will be kept confidential although their content may be referred to within the investigatory report.

7.5.3 Formal disciplinary action will be taken against any individuals attempting to influence, victimise or intimidate witnesses. This will be deemed to be gross misconduct in line with the MRC Disciplinary Procedure.

7.6 Outcome of Harassment and Bullying investigation

7.6.1 The Investigating Manager should then produce an investigation report, which provides a summary of all the evidence and decide upon the appropriate outcome as in section 7.7 below.

7.7 Potential outcomes

7.7.1 After review of the investigation report, the Investigating Manager will decide whether:

- **There is no case to be heard**
  
  Having read the investigatory report, it may be deemed that there is no case to be heard. The Investigating Manager will explain the reasons for reaching this conclusion and help/counselling if appropriate, may be provided. If it is found that the Complainant used this procedure in order to make unfounded and/or malicious allegations, the Disciplinary Procedure may be instituted against him/her.

- **The case is not substantiated**
  
  If, on the balance of probability, it cannot be decided whether or not the incidents occurred, the Investigating Manager should state the reasons for this and arrange for further investigations to be carried out. If at the conclusion of these further investigations the complaint cannot be substantiated on the evidence available, the said complaint will be rejected and the Complainant and the Alleged Perpetrator advised accordingly.

- **There is a case to answer**
  
  The matter may then be dealt with under the MRC Disciplinary Procedure, see section 7.9 of this Harassment and Bullying Policy below.

7.8 Feedback from the investigation

7.8.1 The Complainant and the Alleged Perpetrator will be informed of the outcome of the investigation by the Investigating Manager.
7.8.2 The Complainant and the Alleged Perpetrator will receive a summary of the investigation report completed by the Investigating Manager.

7.9 Disciplinary action

7.9.1 Where it is concluded that there is a case to answer, i.e. the complaint is upheld, the MRC Disciplinary Procedure shall be invoked as soon as possible. As part of this procedure:

- The Investigating Manager shall provide the manager appointed to hold a Disciplinary meeting with the investigation report and other documentary evidence including witness statements.
- The Alleged Perpetrator will be provided with a copy of the investigation report and other documentary evidence including witness statements.
- The Alleged Perpetrator will have every opportunity to defend or explain his/her actions.
- The Alleged Perpetrator has the right to be accompanied.
- Any sanctions imposed upon the Alleged Perpetrator will be in line with the Disciplinary Procedure.
- Any appeals against such sanctions will be dealt with under the appeals process set out in the MRC's Disciplinary Procedure.

8. Appeals

8.1 Principles

8.1.1 If the Complainant is not satisfied with the outcome of the investigation they have the right to appeal against the decision.

8.1.2 Any such appeal should be made in the first instance to the manager who made the decision on the original harassment and bullying complaint (usually the manager of the investigating manager).

8.1.3 Appeals should be lodged in writing within 7 working days of receipt of the letter detailing the outcome of the Harassment and Bullying investigation. The letter should indicate the full grounds on which the appeal is made.

8.1.4 The Complainant can submit additional evidence or information that he/she considers to be relevant to the appeal.

8.1.5 The Complainant has the right to be accompanied by an MRC colleague or represented by a recognised trade union representative of his/her choice at the appeal hearing (the "Appeal Hearing").

8.2 Purpose and aim of the Appeal

8.2.1 The purpose of the appeal is to:

- Determine whether the outcome of the Harassment and Bullying investigation was fair and reasonable in all circumstances.
- Determine whether the Harassment and Bullying complaints procedure was followed fairly.
The aim is not to rehear the whole case but to allow:

- The Complainant to submit any additional evidence.
- The Complainant or an accompanying colleague or recognised Trade Union Representative of his/her choice to comment on any new evidence; and
- The Complainant to raise any procedural issues, or comment on those matters he/she believes have been ignored and/or received insufficient consideration.

8.3 Appeal Hearing Process

8.3.1 Appeals will usually be heard by an independent Director or Senior Manager from within the MRC unconnected with the original Harassment and Bullying investigation, a Senior HR Professional and a National Trade Union Official.

8.3.2 The Senior HR Professional may be external to the MRC.

8.3.3 The Director or Senior Manager should act as chairperson ("Chairperson").

8.3.4 Upon receipt of an appeal, the Chairperson will:

a) Send the individual details of the arrangements relating to the appeal hearing.

b) Advise him/her of the right to be accompanied by a work colleague or recognised Trade Union Representative of his/her choice. The individual should where possible confirm that person’s attendance and identity before the hearing commences.

c) Hold the appeal hearing where possible within 10 working days of receipt of the letter containing the grounds of appeal. This is subject to the individual’s ability to request a postponement of up to 5 working days where his/her chosen representative is not available to attend on the original day or time.

8.4 The Appeal Hearing

At the Appeal Hearing, the Chairperson should:

- Invite the Complainant to explain the basis on which he/she is appealing, referring to documents or evidence previously submitted or any additional evidence which has come to light where he/she believes this may support his/her grounds for appeal.
- If a Complainant is accompanied by a colleague or represented by a recognised Trade Union Representative, they may outline the Complainant's grounds for appeal or make statements on the Complainant's behalf. They may not, however, answer any questions on his/her behalf.
- Ask all necessary questions and summarise the facts.
- Adjourn the meeting. Decide on whether any further investigation is required including speaking with witnesses.
- Whenever possible, the Chairperson shall verbally inform the Complainant of the decision reached and the reasons for it.
- The Chairperson shall confirm the decision in writing with reasons. This will normally be confirmed within 10 working days of the Appeal Hearing concluding, although this will be extended should further time be required. In such an instance, the Complainant will be notified of the proposed date upon which the decision is expected to be made.
8.5 Appeal Outcomes

8.5.1 Possible outcomes are as follows. The Chairperson may:

- **Uphold the Investigating Manager's decision** i.e. confirm the outcome and any action taken, thereby rejecting the Complainant's appeal;

- **Overturn the Investigating Manager's decision** i.e. set aside the original outcome, thereby upholding the Complainant's appeal; or

- **Amend the Investigating Manager's decision** i.e. substitute an alternative course of action.

8.5.2 The decision made at the Appeal Hearing is final, with no further right of appeal.

9. Additional information

9.1 Information for Alleged Perpetrators

9.1.1 The MRC would encourage such individuals to listen objectively to the concerns that the Complainant has about his/her behaviour and to seek advice as appropriate from one of the sources listed in Section 3 of this policy.

9.1.2 Any formal complaints raised against MRC employees will be dealt with using the formal procedure as described in Section 7 of this policy. The Alleged Perpetrator will be informed of the allegations against him/her and will be given the opportunity to respond to the allegations in line with that procedure.

9.2 Information for employees who witness Harassment or Bullying

9.2.1 It is the responsibility of MRC staff who witness incidents or behaviour that constitute Harassment and Bullying to bring this to the attention of management.

9.2.2 The MRC would also encourage any witness to Harassment or Bullying to approach the individual that was subjected to the behaviour and to make him/her aware of this MRC Harassment and Bullying Policy.

10. Harassment and Bullying from non-MRC employees

10.1 MRC staff who feel that he/she is being bullied or harassed by a third party/non-MRC employee (e.g. a member of staff at a host institution) are advised to inform his/her manager and ask for his/her advice on how best to proceed.

10.2 It is the manager’s responsibility to ensure that complaints of harassment by a third party are investigated and dealt with accordingly.

10.3 The MRC is committed to supporting staff to ensure that the matter is dealt with at the appropriate level (e.g. within a host institution’s own harassment or disciplinary procedures).
11. Links

11.1 Associated internal documents & links

- MRC Equality and Diversity Policy
- MRC Disciplinary Policy and Procedure
- MRC Grievance Policy and Procedure
- Employee Assistance Programme (EAP) – this is a 24 hour confidential counselling service provided for MRC employees by an independent company. This service offers both individual telephone, online and/or face-to-face counselling. For further details phone Lifestyleaction on **0800 116 4368** or go to [www.lifestyleaction.net](http://www.lifestyleaction.net) using the following login details: *Username = RCUK; Password = employee*

11.2 External documents & links

- ACAS Advice Leaflets – “Bullying Harassment at work: a guide for managers and employers” and “Bullying and Harassment at work: a guide for employees” [www.acas.org.uk](http://www.acas.org.uk)
- ACAS helpline – 0845 7474747
- The National Bullying Helpline, support for employees feeling bullied
  - 0845 22 55 787

12. Amendment history

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• Updated definitions of harassment and victimisation  
• Added clarity on third party harassment duties |
| 3.0     | 09 January 2013| Updated Employee Assistance Programme details.                                   |
Appendix 1

Examples of Bullying and Harassing behaviour

Bullying
(The following lists examples and is not intended to be an exhaustive list)

Physical Conduct
- Intimidatory, threatening behaviour, uncontrolled anger, abuse.
- Jostling or assault, or other non-accidental physical contact, e.g., slamming a door in one’s face.

Verbal Conduct
- Destructive criticism, unwanted criticism, sarcasm, refusal of reasonable requests.
- Shouting aggressively at a colleague.
- Criticising, ridiculing and demeaning a colleague’s performance in front of others.
- Spreading malicious rumours or making malicious allegations, including unwarranted allegations of harassment, made with malicious intent or in bad faith.
- Insulting a colleague, particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief.
- Excluding others by talking solely to third parties to isolate another.
- Open hostility to a colleague.

Non-verbal Conduct
- Exclusion from work information, taking credit for ideas.
- Persistent negative attacks on a colleague’s personal or professional performance.
- Deliberate undermining of a colleague’s contribution.
- Persistently setting unreasonable and unachievable deadlines or moving the goalposts.
- Placing unreasonable demands on a colleague.
- Removing and replacing areas of responsibility with tasks of a lower status or menial or trivial tasks.
- Overbearing supervision of a colleague’s performance or other misuse of power or position.
- Exclusion from social events.
- Intentional blocking of promotion or training opportunities.

Harassment
(The following lists examples and is not intended to be an exhaustive list)
- Derogatory nicknames or racial name-calling.
- Conduct that denigrates or ridicules a colleague, such as derogatory remarks, graffiti, jokes etc.
- The display or sending of offensive letters of publications, racist graffiti or threatening behaviour.
- Being ignored from conversation.
- Open hostility to colleagues/employees from a particular group.
- Unwanted physical contact.
- Undermining, ignoring or dismissing the quality of a colleague’s work specifically because of his/her sex/religious belief etc.
Is the employee’s complaint related to Bullying & Harassment (see definitions in Section 2 of this policy)?

Yes

No

Can the complaint be dealt with informally?

Yes

INFORMAL

Possible informal actions:

1) Approach the Alleged Perpetrator directly.

2) Approach the Alleged Perpetrator with someone else present.

3) Submit a written request to the Alleged Perpetrator for the perceived behaviour to stop, explaining the distress this is causing.

4) Mediation between the Complainant and Alleged Perpetrator.

No

Employee submits written complaint to Manager or other Senior Manager, enclosing supporting evidence.

FORMAL

Investigation Stage:

- Alleged Perpetrator will be informed of the allegations against them in writing.
- Investigating Manager will be appointed (normally Complainant’s line manager).
- Investigation meetings take place with Complainant, Alleged Perpetrator and witnesses. The Alleged Perpetrator and Complainant are entitled to be accompanied by Trade Union Representative or work colleague.
- A member of the regional/unit HR team will support the Investigating Manager.
- The Investigating Manager and regional/unit HR will compile investigation report.
- Investigating Manager decides appropriate outcome.

Possible Outcomes:

- There is no case to be heard.
- The case is not substantiated.
- There is a case to answer (revert to MRC Disciplinary procedure).
- Complainant and Alleged Perpetrator informed of the outcome.

Does the behaviour stop?

Yes

No

No further action required.

Does the Complainant wish to appeal?

Yes

Appeal hearing arranged within 10 working days.

Appeal in writing within 7 working days to the manager of Investigating Manager.

No

No further action required.

Is the employee’s complaint related to Bullying & Harassment (see definitions in Section 2 of this policy)?

Yes

No

Can the complaint be dealt with informally?

Yes

No

No further action required.