Dear [Name],

Freedom of Information request UKRI 2018/0089: MRC Laboratory of Molecular Biology

Thank you for your Freedom of Information request submitted on 25th July 2018 in which you requested the following information in relation to the MRC Laboratory of Molecular Biology (LMB):

Your Request:

1. Does the institute have a bullying policy in place? Please provide a link to it and state when it was last updated.

2. How many complaints have been made in the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018) about workplace bullying? Please break this information down by year and state whether the complaint was made by:
   a) staff - please provide detail on whether academic or non-academic and seniority if possible
   b) student

   Please say whether it was made against
   a) staff - please provide detail on whether academic or non-academic and seniority if possible
   b) student

   Where applicable, please state what department the staff or students making and receiving the complaints were from, the gender of those involved and the grade of seniority of those involved.

3. How many complaints made in the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018) about bullying were investigated? Please break this down by year.

4. How many students were disciplined for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)? Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.
5. **How many students were dismissed for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)?** Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

6. **How many staff were disciplined for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)?** Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

7. **How many staff were dismissed for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)?** Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

8. **Has any legal action been taken against the institute over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018) due to a bullying case?** Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

9. **How much has the institute spent, or been spent on the institute's behalf by funders, in legal fees in connection with bullying complaints over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018).** Please break down by year.

10. **Has the institute used non-disclosure agreement settlements in relation to bullying complaints over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018).** If so, please provide the numbers and sums of money paid out, broken down by year.

**Our response:**

I can confirm that UKRI does hold information relating to your request and our response is detailed below:

The MRC Laboratory of Molecular Biology is part of UK Research and Innovation and is a directly supported institute managed by the MRC.

1. **Does the institute have a bullying policy in place? Please provide a link to it and state when it was last updated.**

   Yes. A copy of the MRC’s procedure for investigating complaints relating to staff is attached to this response (FOI2018-0089 MRC Harassment and Bullying Manager Guidance v5-0 280318). This was last updated on 28th March 2018.

   The LMB has also produced additional guidance for graduate students on grievance procedures which also provided information on external complaints procedures that students can pursue. A copy is attached to this responses (FOI2018-0089 MRC LMB Student Grievance Procedure 151117), a small amount of information has been redacted as personal data under Section 40. The policy is reviewed annually.
Since 2016 there has been a statutory obligation to report all student complaints (including actions and resolutions) to the Office of the Independent Adjudicator and to publish annual statements. The statements provided by LMB can be found at the following links:

- http://statements.oiahe.org.uk/statement/YjYyNzUyOGMtMWIzOS00MTYwLTlkNjUtZjkxYTiwMjVkMWU1LzlwMTY%3D
- http://statements.oiahe.org.uk/statement/YjYyNzUyOGMtMWIzOS00MTYwLTlkNjUtZjkxYTiwMjVkMWU1LzlwMTc%3D

2. How many complaints have been made in the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018) about workplace bullying?

Three complaints were received during the period specified. A csv file containing this information is attached (FOI2018-0089 MRC LMB bullying cases 200818.csv). The number of cases by year and information on the complainant and alleged perpetrator is shown in columns A-J. In view of the information requested relating to gender, grade and type of employment (academic/non-academic) it is not possible to provide information on the departments as this may result in individuals being identified.

3. How many complaints made in the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018) about bullying were investigated? Please break this down by year.

All complaints were investigated, as shown in column K. The outcome of each investigation is shown in column L.

4. How many students were disciplined for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)? Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

No complaints were made against students during the period specified.

5. How many students were dismissed for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)? Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

No complaints were made against students during the period specified.

6. How many staff were disciplined for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)? Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

Two staff have been disciplined during the period. The csv file provides information on cases.

7. How many staff were dismissed for bullying over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018)? Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

One member of staff has been dismissed. The csv file provides information on the case.
8. Has any legal action been taken against the institute over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018) due to a bullying case? Please break this down by year and provide details of whether complaint was brought by student/staff, gender and department of those involved, where possible.

No legal action has been taken against the LMB during the period.

9. How much has the institute spent, or been spent on the institute’s behalf by funders, in legal fees in connection with bullying complaints over the last five academic years (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018). Please break down by year.

No money has been spent on legal fees in connection with bullying complaints during the period.

10. Has the institute used non-disclosure agreement settlements in relation to bullying complaints over the last five academic years? (2013-14, 2014-15, 2015-16, 2016-17, 2017-2018). If so, please provide the numbers and sums of money paid out, broken down by year.

No non-disclosure settlements have been made during the period.

If you have any queries about this response please contact me, or if you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, please write to:

Complaints Officer
UK Research and Innovation
Polaris House
North Star Avenue
Swindon
SN2 1FL
Email: foi@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at:

Information Commissioner
Wycliffe House, Water Lane
Wilmslow
Cheshire
SK9 5AF

Enquiry/Information Line: Between 9am and 5pm Monday to Friday 0303 123 1113 or 01625 545745
Further information about the Office of the Information Commissioner can be found at http://www.ico.gov.uk/

Yours sincerely,

[Redacted]

Information Manager
UK Research and Innovation, Information Governance Team
Email: foi@ukri.org
MRC HARASSMENT & BULLYING POLICY AND PROCEDURE

Guidance for managers

Management Guidance
This document provides additional guidance for managers and HRBPs in the handling of Harassment and Bullying issues. It includes the MRC’s Harassment and Bullying policy and procedure which is contractual. The additional guidance which is shaded in blue is not intended to be legally binding and does not form part of the MRC’s Harassment and Bullying policy and procedure.

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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.

Whether a worker is deemed to be a worker or employee is not always clear under employment legislation. In cases where managers have any doubt as to whether the Harassment and Bullying Policy and Procedure should apply, advice should be sought from the regional/unit HR.

1. Principles

1.1 All new staff will 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 either a recognised trade union representative or an official employed by a Trade Union.

The main legislation governing Harassment and Bullying at work which the MRC adheres to is the Equality Act 2010

Employees may need additional assistance to enable them to comply with the procedure(s): for example, they may require reasonable adjustments (under the Equality Act 2010) such as requiring assistance in accessing a room or to have information reformatted.

Employees may have other requirements: for example, caring commitments or the desire to observe religious practice. As an employer, the MRC is obliged to cater for such needs, in compliance with statutory legislation. Wherever possible, reasonable requests should be treated favourably in the implementation of this policy.

For further advice or clarification, managers should seek the advice of their regional/unit HR team.

MRC managers should-
- Act as a positive role model by regularly reinforcing the importance of treating others with dignity, respect and equity.
- Foster a climate that discourages and prevents the occurrence of Harassment or Bullying, especially by acting as a role model of professionalism and good behaviour.
- Assist in the successful implementation of this MRC initiative by ensuring all members of their teams see and understand this policy and have received MRC training on Equality and Diversity.
- Be responsible for ensuring that swift and appropriate action is taken when they themselves recognise that harassment, victimisation or bullying is taking place or have this brought to their attention by another employee.

2. Definitions of Harassment, Bullying & Victimisation

2.1 Bullying can take many different forms and as such a clear definition is difficult to produce. The following description provides some example but is not an exhaustive list. Characteristics of bullying include, but are not limited to: 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 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.

The impact of Harassment and Bullying:

- Where Harassment and Bullying does occur it can result in low morale and increased stress, anxiety, sickness absence and staff turnover.
- Implementation of this policy is the duty of all MRC Directors, Managers and Supervisors. Failure to deal with allegations or specific acts of Harassment and Bullying is seen as a dereliction of duty and may mean a manager could be deemed culpable in respect of any claim.

It is important to note that Harassment and Bullying also stretches to environments where work-related activities take place including social gatherings and outings.

Harassment and Bullying are not necessarily face to face, they may be by other means such as written communications, email and telephone.

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 or an official employed by a Trade Union; 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.

If an employee were to approach his/her manager/regional-unit HR team/recognised Trade Union Representative with concerns, the person approached should:

- Try to work through the options available with the employee to see which solution is best for that employee.
- Try to find out exactly what action the employee has taken to resolve the issue.
- Provide a clear indication of what action they will take and when.
- Provide the employee with a copy of the MRC Harassment and Bullying Policy.

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.

Mediation is usually managed by a member of the 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.

Where a manager or supervisor has been formally informed of Harassment and/or Bullying and has failed to take action, they may be dealt with under the MRC Disciplinary Procedure.

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.

When a manager receives a formal complaint they should acknowledge this immediately and contact their regional/unit HR team.

The manager and/or regional/unit HR team will initially discuss the complaint with the employee to ensure that an informal resolution to the issue cannot be found before an investigation is started.

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.

Before suspending the Alleged Perpetrator, the Investigating Manager should afford him/her the opportunity to provide an explanation to the alleged offence.

The Investigating Manager should consult with the regional/Unit HR team before making a decision to suspend.

Confidentiality is key throughout the investigation process.

The Investigating Manager must be impartial and non-biased. Any concerns about lack of objectivity should be raised with the regional/unit HR team.

Any delays in the process should be communicated in writing to both the Complainant and the Alleged Perpetrator.

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 either by represented by a recognised trade union representative or an official employed by a Trade Union.

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.

#### Format for Harassment and Bullying investigation meetings:

- Introduce those present and explain their respective roles.
- Explain the purpose of the meeting which is to investigate the complaint of Harassment and Bullying and to gather information.
- Explain the process and how the meeting will be run.
- Ask the employee questions based on the complaint received – care should be taken not to ask leading questions.
- Ask further questions where responses are unclear and ask for names of any witnesses who are considered relevant to the investigation.
- At the end of the meeting reiterate the employee's obligation to keep details of the investigation confidential.
- Prepare accurate written summaries of the investigation meeting to be signed by the relevant parties.

### 7.5 Witnesses

#### 7.5.1 Where have been witnesses to an event, they should each be asked to:

- 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.

Should the situation arise whereby a witness is not prepared or willing to make a statement, Investigating Managers should consider carefully as to whether they can use the information the witness has provided and its impact on the case. Investigating Managers should be aware of, and as appropriate advise witnesses that they may be compelled to attend a tribunal by way of a witness order.

Where witnesses provide a statement of evidence, but wish to remain anonymous, consideration should be given to any genuine fear relating to a probable or actual physical threat against him/her or other forms of intimidation.

Third party witnesses such as patients or visitors should not be compelled to provide statements. They should be dealt with sensitively and their consent obtained before using or referring to any statements they have given.

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.

The investigation report should be done using the template report available from the regional/unit HR team.

The investigating manager should bear in mind when writing the report that when determining if Harassment or Bullying has occurred, it is not the intention of the Alleged Perpetrator that is the deciding factor, but whether the behaviour is unacceptable to the Complainant.

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 malicious allegations, the Disciplinary Procedure may be instituted against him/her.
MRC HARASSMENT & BULLYING POLICY AND PROCEDURE
Guidance for managers

- **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.

There may also be other recommendations that arise as a result of the investigation e.g. reviewing working arrangements, redeployment, and provision of training and professional development, mediation.

### 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.

The Investigating Manager should try to ensure that this is given verbally, either face-to-face or by telephone.

The feedback should be confirmed in writing.

Records of the investigation and complaint should be kept confidential and retained on the employee’s personal file held electronically at the Shared Services Centre (SSC). In accordance with Data Protection provisions, employees may request the release of certain personal data.

### 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.

The severity of the penalty imposed upon an employee guilty of Bullying and/or Harassment will be consistent with those detailed in the Disciplinary Procedure (e.g. Harassment or Bullying including but not limited to serious rudeness to or swearing at other members of staff will normally result in summary dismissal). Where a lesser penalty is appropriate (e.g. a written warning) this may be coupled with action to ensure that the Complainant is able to continue working without embarrassment or anxiety.

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.

If such an appeal is received beyond the 7 working days, managers should still respond to the appeal, unless the manager considers there to be an unreasonable delay and has grounds to refuse to deal with the appeal. Managers should contact their regional/unit HR team before refusing to deal with an appeal.

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 a MRC colleague or represented by either a recognised Trade Union representative or an official employed by a Trade Union 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 either the recognised Trade Union Representative or official employed by a Trade Union 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 Senior National Trade Union Side 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 either a recognised Trade Union Representative, or an official employed by a Trade Union 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.

Those hearing the appeal should study all the relevant documentation from the original Harassment & Bullying Investigation.

8.4 The Appeal Hearing

At the Appeal Hearing, the Chairperson should:

• Introduce those present and explain their respective roles.

• Explain the purpose and format of the Appeal Hearing, including the possible outcomes.

• 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.

There should always be an adjournment to enable the Chairperson to consider everything stated in the evidence and where necessary to investigate matters or seek appropriate advice before deciding on the most appropriate outcome.

• 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.

The decision should be clearly communicated to the employee in the appeal decision letter. This response should explain the reason(s) for the decision and advise the employee that there is 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.

10.2 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 08007832808 or go to www.healthassuredeap.co.uk using the following login details: Username = MRC; Password = EAP

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
- ACAS helpline – 0300 123 1100
- The National Bullying Helpline, support for employees feeling bullied
  - 0845 22 55 787

12. Amendment history

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<tr>
<td>0.1</td>
<td>12/12/06</td>
<td>New Cor HR – Author Steve Townsley</td>
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<tr>
<td>1.0</td>
<td>1st July 2009</td>
<td>Revised policy to reflect organisational arrangements for Harassment &amp; Bullying complaints.</td>
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MRC HARASSMENT & BULLYING POLICY AND PROCEDURE
Guidance for managers

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| 2.0 | 1st March 2011 | - Inclusion of Equality Act 2010  
- Updated definitions of harassment and victimisation  
- Added clarity on third party harassment duties |
| 3.0 | 09 January 2013 | Updated Employee Assistance Programme details. |
| 4.0 | 01 September 2015 | General update to policy terms |
| 5.0 | March 2018 | EAP details updated |
Appendix 1

Examples of Bullying and Harasssing 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.
MRC HARASSMENT & BULLYING POLICY AND PROCEDURE
Guidance for managers

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

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

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.

Does the behaviour stop?

Yes → No further action required.

No → INFORMAL

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 Complainant wish to appeal?

Yes → Appeal hearing arranged within 10 working days.

No → Appeal in writing within 7 working days to the manager of Investigating Manager.

No further action required.

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 either a work colleague or either a Trade Union Representative or an official employed by a Trade Union.
- 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.
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MRC Laboratory of Molecular Biology

Graduate Students: Grievance Procedures

1. GROUNDS FOR COMPLAINT

The following are examples of issues that may give rise to complaint. This list is intended to be illustrative not exhaustive.

Standard of supervision
  e.g.
  • inadequate supervision*
  • non-availability of essential equipment or resources necessary to complete the work*
  • plagiarism of the student’s research

Behaviour of others
  e.g.
  • assault or serious or threatening behaviour
  • sexual harassment
  • racist activity or behaviour
  • abusive or unreasonable behaviour
  • any action likely to cause injury or impair the safety of the student
  • unacceptable social behaviour

* In this case, other than in exceptional circumstances, it is expected that a formal complaint would not be made on the basis of an isolated incident but that there would be evidence of a continuing problem before the complaint was pursued.

2. INFORMAL ATTEMPTS TO RESOLVE THE PROBLEM

2.1 Students are encouraged first of all to raise complaints informally with their Primary or Second Supervisor (or with the Head of Division within which the student/supervisor is located if the complaint relates to the Supervisor). If the Supervisor is the Head of Division, complaints should be raised informally with the Director of Studies of the LMB or with the Director. In many cases it will be possible to resolve the issues amicably at this level. The formal procedures should normally only be used either where the complaint is so serious as to make it inappropriate to deal with it at an informal level or where informal action at the Division level has failed to resolve the issue to the satisfaction of the student.

2.2 Students are encouraged to raise issues at an early stage. This is particularly important since delay may create problems in the subsequent investigation of the complaint. Students should note that complaints must be made before the final thesis examination and cannot constitute grounds for appeal against the outcome of the examination.

2.3 At all stages of the complaint, a member of staff against whom a complaint has been made may be accompanied by an accredited trade union officer or some other individual affiliated to the MRC. A student bringing a complaint may also be accompanied if they wish, when bringing the initial complaint, or during any interviews within the formal stages of the procedure.
3. **FORMAL PROCEDURES**

3.1 Any formal complaint shall be made in writing and addressed to the Heads of Division (copied to the Director of Studies). If the complaint relates to the Heads of Division, the complaint shall be addressed to the Director of Studies of the LMB. Hereinafter, references to the Heads of Division shall also be read to include the Director of Studies of the LMB in appropriate cases.

3.2 The Heads of Division shall take such steps as are necessary, including taking written evidence, to establish and clarify the nature of the complaint. The Heads of Division may appoint an independent member of staff to conduct the investigation. The investigation will determine:

3.2.1 that the complaint is inappropriate within the grievance procedure and should be dismissed;

3.2.2 that the complaint might be resolved amicably, in which case s/he shall endeavour to do so;

3.2.3 that it relates to the conduct of a member of MRC staff and should be taken forward within the MRC Procedure laid out in the Staff Code.

3.2.4 that the complaint be upheld.

3.5 If the decision is that the complaint be upheld, the Heads of Division shall take appropriate action. This may include, amongst other things:

- that appropriate supervision be provided (this may involve changing the student's supervisory arrangements);
- that relevant equipment/resources be provided;
- that the focus of the project be reviewed;
- that the MRC take appropriate action in respect of the member(s) of staff or other students directly involved.

3.6 The Heads of Division shall make the conclusions known at the end of the investigation.

4. **EXTERNAL COMPLAINT PROCEDURES**

4.1 If the matter of the complaint is not resolved through the LMB local procedure, it is possible for students registered with the University of Cambridge to refer the matter to the University complaints procedure. Information on the process can be found here:

https://www.studentcomplaints.admin.cam.ac.uk

The advice is to first attempt to raise your concern using the local complaint procedures of the Institution (the LMB in this case). If the response from the department, faculty, service or staff member has not resolved your complaint, or your complaint is so serious that you feel you can't raise it with them, complete and submit the Formal Complaint form, within 28 days of the matter arising or within 28 days of the response you received from the department, faculty, service or staff member.
5. **ACTION IN CASE YOU ARE UNSATISFIED WITH THE FINAL OUTCOME**

5.1 If you are dissatisfied with the outcome of both the Internal and External Student Complaints Procedure you may be able to apply for review of your case to the Office of the Independent Adjudicator for Higher Education (OIA), an external ombudsman. More information will be given in the final decision letter you receive from the LMB or from the University. You can find out more information about the OIA at [www.oiahe.org.uk](http://www.oiahe.org.uk).

5.2 The Director of Studies at the LMB is the point of contact for any requests that involve the OIA, but you may also approach the University if your complaint has been referred to the University Complaint Procedure.

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**Last updated: 15 November 2017**

[Signature] (Director of studies)

Approved: [Signature] (Director)  
(date)