

Women and Equalities Committee

Oral evidence: [Sexual Harassment in the Workplace](#), HC 725

Wednesday 23 May 2018

Ordered by the House of Commons to be published on 23 May 2018.

[Watch the meeting](#)

Members present: Mrs Maria Miller (Chair); Tonia Antoniazzi; Angela Crawley; Vicky Ford; Eddie Hughes; Jess Phillips.

Questions 367–479

Witnesses

[I](#): Jean Ashton OBE, Director of Business Services and Gender Champion, Crown Prosecution Service, Clare Conaghan, Executive Director of Human Resources, Save the Children, Andrew Kean, Deputy Director for Civil Service Employee Policy, Sue Owen, Permanent Secretary and Civil Service Diversity and Inclusion Champion, Department for Digital, Culture, Media and Sport, and Chief Constable Julian Williams, Chief Constable of Gwent Police and National Lead for Professional Ethics, National Police Chiefs' Council.

[II](#): Megan Butler, Director of Investment, Wholesale and Specialist Supervision, Financial Conduct Authority, Lorna Fitzjohn, Regional Director for the West Midlands, Ofsted, Dr Henrietta Hughes, National Guardian for the NHS, National Guardian's Office, and Philip White, Head of Operational Strategy, Health and Safety Executive.

Written evidence from witnesses:

- [Health and Safety Executive](#)
- [Ofsted](#)

Examination of witnesses

Witnesses: Jean Ashton, Clare Conaghan, Andrew Kean, Sue Owen and Chief Constable Julian Williams.

Q367 **Chair:** Good morning. Welcome to our witnesses, and to those who are watching in the Public Gallery and online. This is the fifth oral evidence session in our inquiry into sexual harassment in the workplace. Today we are hearing from two panels. First we will talk about the steps that can be taken by individual employers to prevent and respond to sexual harassment in the workplace. With the second panel we will discuss the role of regulators in ensuring that individual employers take steps to address sexual harassment. We are mindful that there are live, ongoing cases that cannot be referred to today, by either Members or witnesses, because they are subject to current investigations. I hope that is clear to everybody. Before we start, could I ask everybody to say their name and the organisation they represent? I am sorry that you are so squashed—the Victorians did not make our tables long enough.

Andrew Kean: My name is Andrew Kean. I am from Civil Service HR, working out of the Cabinet Office, and I have been supporting Sue Owen on the work that we are doing on bullying and harassment in the civil service.

Chair: Talking about the Victorians, they were also very bad at acoustics, so please project.

Sue Owen: Hello. I am Sue Owen, the Permanent Secretary at the Department for Digital, Culture, Media and Sport, but I am here in my capacity as the civil service diversity and inclusion champion.

Chief Constable Williams: I am Julian Williams, the chief constable of Gwent Police, and I am the National Police Chiefs Council lead on ethics, which includes sexual harassment in the workplace.

Clare Conaghan: My name is Clare Conaghan. I am the executive director of HR at Save the Children UK, and I have been invited to this panel to talk about sexual harassment in the workplace and our response to that.

Jean Ashton: I am Jean Ashton, and I am the director of business services from the Crown Prosecution Service. I am also the service's gender champion.

Chair: Thank you very much. Vicky will kick off with our first set of questions.

Q368 **Vicky Ford:** Thank you. We heard from the Equality and Human Rights Commission last week, and they suggested that employers had been caught by surprise—left somewhat flat-footed—by the whole #MeToo movement. Do you believe that was the case in your organisation?



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Jean Ashton: In the Crown Prosecution Service we have had a violence against women policy since 2010. Not being complacent, we did an analysis of our staff survey results around bullying and harassment in 2016. That sparked our new Respect strategy, which also introduced a dedicated, anonymised helpline for bullying and harassment.

Q369 **Vicky Ford:** Thank you. Was that analysis after the #MeToo movement started?

Jean Ashton: It was before the #MeToo movement started; it was in 2016.

Clare Conaghan: I am not going to talk about specific cases, but you will be aware that there were instances in 2015. As a result of those instances, we have taken action, in 2016 and since then, to strengthen our workplace culture, including a number of initiatives—strengthening and redoubling our policies and procedures, and developing new training so that all colleagues understand what appropriate behaviours in the workplace are, and the consequences of not upholding those standards. We introduced what we call our integrity line, which is a confidential, free service that was run through Crimestoppers, so that colleagues who feel unable to raise issues or complaints in the workplace could have recourse externally.

That has all been in train, and we have been working on that since 2016. I think it is fair to say that following the media highlighting these issues in 2018 we are not being complacent and we have redoubled our efforts. You will be aware that our CEO, Kevin Watkins, took the decision earlier this year to run an independent review that has been managed externally to give us the reassurance that the steps that we have taken are indeed the right steps and that they are working and, if not, to help us identify an action plan beyond the summer, when we expect the results to come in, to ensure that we are absolutely focusing on this.

Chief Constable Williams: The code of practice was implemented in 2014, which was part of the Police Act 1996 and was refreshed in 2014 with new legislation. All the policies and practices are based on the foundation of the code of ethics. That has particular mention in relation to harassment, bullying and oppressive conduct of all people involved in policing—that is section 2.1. Section 2.2 relates to sexual conduct on duty, and sexual conduct with vulnerable victims. We have done a huge amount of work in relation to abuse of power. That is mainly externally, but I would hope that that transfers internally, to police officers and police staff.

In 2016 the London School of Economics, together with Unison, a police staff support organisation, conducted a survey of 1,776 members of that. It showed that 49% of those people surveyed had been the subject of unwanted sexual “jokes”, as they were called. We have also done a survey at the end of last year and the beginning of this year in relation to 189 senior women police officers—inspectors and chief superintendents—and 33% of those individuals had been subject to sexual jokes or some sort of behaviour.



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Our policies are built on the code of ethics, our dignity at work policy, the police misconduct process, the police staff disciplinary process, and the independent office of police complaints referral guidance, which says that anything relating to sexual conduct is a mandatory referral. Although dignity at work policies do not include sexual harassment per se, we have done a huge amount of work with confidential hotlines, proactive work with our anti-corruption units, and recruitment, selection and training. There is a positive obligation to report any improper conduct or harassment under No. 10 of the police standards of professional behaviour.

Sue Owen: Within the civil service we have been working on a new diversity and inclusion strategy throughout 2017, which we published in the summer, with a big emphasis on inclusion, because we have been very worried that our bullying and harassment rates overall have been stuck at 10% for a long time. We were already thinking about that, but the #MeToo revelations in the autumn actually then acted as a kind of catalyst for a deeper look at what is happening on bullying and harassment in particular. So we have been doing some more in-depth work there and looking in particular at sexual harassment.

To date, we haven't lifted the lid on a great pit of unreported egregious sexual harassment, but we are not at all complacent about this and we have found that our procedures are rather clunky and that there is great unwillingness to report. Obviously we can say more about that.

Andrew Kean: In addition to that review, which I have supported Sue on, the other thing we did immediately in the autumn was to go out to Departments and just remind them. That did cause historical cases to be brought forward. If people do now speak out, we shouldn't time them out. So we issued guidance to Departments to say, "Even though there might be normal rules about time limits on bringing forward complaints, we should now look at anything that comes forward on its merits."

Q370 **Vicky Ford:** Julian mentioned that in the police force you have done a survey since the #MeToo revelations and movement started. You have done a survey and analysis of the situation. Have any of the other organisations done an analysis since that time?

Sue Owen: Yes, we have. We launched a survey that has been voluntary. We do our annual people survey, which, as I mentioned, reveals levels of 10% to 11% over all the civil service, with quite a variety across Departments—

Q371 **Vicky Ford:** But that is on all harassment, not just—

Sue Owen: Yes. We have not done one absolutely specifically on sexual harassment, but we have done one on the experience of bullying and harassment over people's whole careers and lifetime, and that has revealed much higher rates. Of course, not huge numbers of people have filled that in—about 13,000 by the end of February. However, that did serve to show, particularly on the kinds of free text comments that people put in, some really harrowing reports of the impact of sexual harassment



and other forms of bullying on individuals. So we are not complacent at all and continue to work on this.

Andrew Kean: That was a conscious choice we made at that time—what our own context at that point in the year was, as well as what was happening externally. In the civil service we had just had our 2017 people survey results and, as Sue said, they again showed that on bullying and harassment in general the levels were stuck. So the choice that we made, against the backdrop of what our own data told us about a general issue, was that we wanted to start by having a proper, deeper dive into that general issue, being mindful of the specifics of sexual harassment and any other form of harassment as we took that work forward.

As we are bringing that together, that has given us some very useful insights. I think there is a lot of commonality about what that has told us about the issues that our staff are raising with us and why people don't always feel able to speak out, and what I have seen in the other evidence that you have received about why people won't come forward on sexual harassment specifically.

What we are now doing is moving into other areas. Having identified those things that we need to do in general, what else do we need to do specifically on specific forms of harassment, particularly—but not only—sexual harassment?

Jean Ashton: I just want to emphasise that in January this year we launched our Respect strategy, which reinforces the standards of behaviour, and also reinforced and provided examples of what actually amounts to unacceptable behaviour. At the same time we launched our anonymised helpline for bullying and harassment. As I said earlier, we are quite keen to ensure that any issue of bullying and harassment is eradicated, and we want to provide a safe environment for our staff to report that. That is the purpose of the anonymised helpline. But it is not just sexual harassment; it is all harassment and all bullying.

Q372 **Vicky Ford:** When you have done an analysis of the situation, have you looked at who the perpetrators of sexual harassment are, who the victims are and the impact it is having on the workforce, or have you just contacted 189 officers and found out that a third of them say that they have been victims? Is there more depth to the analysis?

Chief Constable Williams: Yes, certainly there is more depth. I am meeting Professor Jennifer Brown next week. I spoke to her yesterday on the survey that was conducted by the London School of Economics. I am meeting the head of Unison as well and I am already in consultation with the NPCC lead on gender.

There are a number of factors on non-reporting, such as confidence in senior managers, in HR departments and in individual forces to deal with it appropriately; a lack of confidence that there will not be repercussions; and again, it is easier not to report. Those are some of the key issues that we have found in relation to lack of reporting. As I said, in our anti-



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corruption units, which exist in our professional standards departments and directorates in every force, we have confidential and anonymous hotlines, and we encourage people, by a variety of internal communication methods, to report issues.

In relation to perpetrators, I would say that it was all forms of policing, whether that is police officers or police staff in my own force. We currently have 15 cases of sexual harassment. Five are alive and 10 have been dealt with. Throughout the 17 forces I have canvassed, over the last seven years we have dealt with 194 cases of sexual harassment internally. That is 17 forces. If you think of the 43, it is probably double or 2.5 times that, so I would suggest about 500 cases—

Q373 **Chair:** Out of how many police?

Chief Constable Williams: In policing in the 17 forces, it would probably be about 180,000 across the country.

Chair: 180,000?

Vicky Ford: About one in a thousand.

Chief Constable Williams: Yes. I am probably not being accurate about the figures for the whole of policing, but I would think about that. In relation to the 194, I can be specific about the action taken. There are 24 cases ongoing; 23 people have been dismissed without notice; 26 have resigned—of course, you cannot resign now under the new police conduct regulations until disciplinary processes have been conducted—and 38 are ongoing. So out of 194 people, more than 25% have left the service

Perpetrators are mixed. In my own force at the moment, out of the 15 that go back over the last 7 years, there are 12 police officers and three police staff. That is a bit disproportionate because in my own force of 2,000 people there are 1,287 police officers and approximately 600 police staff, so you would probably think it would be a 50/50 balance, or more towards 66/33, but it is not. It is more police officers, but I do not think that is the trend across the country. We still have work to do on that.

Q374 **Vicky Ford:** There is a lot of nodding from other panel members. Do you want to come in with your own experiences?

Sue Owen: In the civil service the number of actual sexual harassment cases that were brought as grievances in 2016-17 was 21. That is out of 380,000 civil servants. Of the 21, 14 led to disciplinary action. Interestingly, the year before it was 10 cases and two led to disciplinary action. In the year 2017-18 to November there were 29 cases with 17 leading to disciplinary action. In our special survey that we did more recently, 46 people mentioned sexual harassment in particular. But those are only the ones that have come to a formal process. The real worry for us is that 90% of people do not say it—they are concerned about the personal impact of even reporting or raising it. The whole issue of having an independent route—not having to report to your line manager or someone in HR—is something that we have to do a lot more work on.



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Andrew Kean: Can I just put a small qualifier on that data? Departments, particularly the further back you go, would tell us that it is not easily identifiable from the databases what an individual case related to. The data that Sue has given you are the ones that Departments have been able to identify as definitely having related to sexual harassment, so there might be more cases, but they have not been identifiable from the databases.

Q375 **Vicky Ford:** To go back to what Julian said, you have done a recent survey of 189 female officers, presumably chosen at random—

Chief Constable Williams: Yes.

Vicky Ford: And one in three said that they had experienced some form of sexual harassment in the workplace, but when it actually comes to cases, you have had, what was it?

Chief Constable Williams: 194 out of 17 forces.

Q376 **Vicky Ford:** Which is roughly one in 1,000 actual cases. So it goes from one in three to one in 1,000 actually having a formal complaint. Something feels sort of dysfunctional.

Chief Constable Williams: I would agree. There is certainly underreporting and we recognise that there is more work to do. We are going to engage with the other staff associations and support networks in policing. As part of the process and the two surveys that have taken place, we have got the National Police Chiefs Council meeting on 11 and 12 July. Jennifer Brown, Ben Priestley from Unison and I will be attending. We will speak to all the chief constables, look for support to conduct a wider survey and then develop an action plan for what we are going to do moving forward, especially in relation to underreporting and perceived lack of action.

Q377 **Chair:** Given that the CPS has had this policy in place for quite a long time, I am interested in the number of cases.

Jean Ashton: The actual number of cases of sexual harassment is quite small. Over the past two years we have had three cases of sexual harassment in which we have found against. We did a detailed review of our staff survey results on harassment and bullying to identify the issues. Our survey found that women saying that they had experienced harassment or bullying improved from 13% to 11%, and that is in comparison to men at 10% and 9%. That is why we introduced the anonymised bullying and harassment helpline. We have worked with our trade unions and staff networks to promote the helpline.

In March this year we held two joint conferences with our staff networks and our trade unions to promote our Respect strategy and our intolerance of harassment and bullying in the workplace, and to encourage reporting and use of the helpline. We have just started to train all our staff on our new Respect strategy, which emphasises harassment and bullying in the workplace, and we are signposting all our staff to our anonymised helpline.



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We have also shared our work with the SFO, the NCA and the MOJ. We are working with those organisations to create bullying and harassment allies, so that in all the organisations there is someone from outside your line management chain or your immediate organisation to whom you can go and report bullying and harassment. That is in recognition of the fact that over the past two years we have had only three cases.

Q378 Vicky Ford: Thank you for giving your experience. Clearly you have taken specialist advice and set up this independent process. Have the other organisations, when you have been considering the action you are taking, consulted any specialist sexual harassment advice or any specialist trainers? Have you also considered the independent reporting mechanism we have heard about from the CPS? Perhaps Julian, Sue and Andrew could answer.

Chief Constable Williams: We have a confidential and anonymous hotline that goes straight through to an anti-corruption unit. That exists in every force. That is for sexual harassment internally and externally. That works very well. It is anonymous and confidential.

In relation to expert advice, we are working with the London School of Economics at the moment. Professor Jennifer Brown has considerable experience in sexual harassment in a number of workplaces. She is committed to working with us. Together with Unison and senior women in policing, she undertook the surveys. We are working with experts.

In relation to training and our recruitment and selection processes, we engage and look for inconsistencies in the code of ethics. People will not get into the service or work with the service if they do not comply with the nine principles of public life and the 10 standards of professional behaviour. All police officers and police staff are regularly vetted in line with the vetting code of practice. Throughout any police officer's career or police staff member's career, certain areas—promotion, selection and the code of ethics—are always tested. That is the foundation on which we build all our policies. In developing the code of ethics, I believe the College of Policing—it is a College of Policing document—liaised with experts on harassment, although I cannot be specific about who they were. That was on all forms of harassment.

Andrew Kean: As Sue has already said, the piece of work we have done so far has been the broader piece on understanding our starting position on bullying and harassment across the civil service more generally. We have got a similar concern about underreporting. We know from our people survey that, if you take last year's data, around 35,000 people were prepared to tell an anonymous survey that they had experienced bullying and harassment in some form in the preceding 12 months—only 36% of whom told the survey that they had reported it in some way. Even allowing for the imperfections that we have to sort out in the data capture, there is then a very big gap again from that 36% to the number of identifiable cases. All the work that we have done so far is to understand what the reasons why people are not coming forward are and what we need to do to address them.



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Within that context, no, we have not yet been out and talked to experts on sexual harassment. Now that we have done the analysis, we have engaged with union and staff quite extensively in both the analysis phase and the forming solutions phase. We are doing a bit of testing back of that before we decide that our conclusions are definite.

Sue and Melanie Dawes, our gender champion, have both been very thoughtful and challenging throughout about sexual harassment. Whatever this broader-based piece of work finds, we cannot be complacent, and we cannot assume that that is enough. There will need to be a further phase. Neither of us can describe to the Committee today what all of that phase will look like, other than that it will need to take advantage of the expertise that your Committee has already drawn on—I have seen some great things that people have already talked to you about that we can draw from—and will need to involve going out and talking to the experts.

We know that, in general, we need a more varied set of channels for people to speak up and raise bullying and harassment, so that we can take action on it. In doing that, we need to think about not just channels that work in general, but channels that work specifically for sexual harassment. We have come across some great examples that are bottom-up out of Departments and teams—people have talked to the Committee about them—which we will draw on in that work, but that is the phase to come.

Q379 Vicky Ford: Thank you. Just really quickly, Julian, you said that your dignity at work strategy does not include sexual harassment per se. What does it include per se, and should sexual harassment be one of those per se items?

Chief Constable Williams: It includes all forms of harassment. That is probably the case across the majority of other forces, but there is an appendix attached to it that explains what harassment is. That will go into sexual harassment and give examples of it, and disability harassment and racially aggravated harassment, so there is actually an attachment to it. I have noticed that there is also an attachment about some of the work of the Equality and Human Rights Commission on the complainants or customers/users—so people who actually use policing. There were some examples of how to support staff members who have been sexually harassed as a result of that. So there is a significant amount of work on senior managers and staff associations assisting them and working through those issues.

Q380 Vicky Ford: Thank you. This is a specific question to you, Clare, because your organisation found yourself in very specific circumstances. I cannot ask you about specific cases. You have already mentioned some of the changes in practices that you brought in. How are you making sure that those are effective? How are you measuring those?

Clare Conaghan: As I said earlier, we have been focusing on these issues since 2016. I am not sure if it is helpful to explain to the Committee that I have been the permanent HR director at Save the Children since December 2016, following an interim period of cover. Very much in that

year, I would say that a huge focus for the entire organisation, the board and leadership team was our people and culture agenda. While this specific issue is obviously very important, we were looking at a bigger picture about the working culture that we want to achieve at Save the Children. How do we want people to show up? Obviously, the work that our colleagues do is often live-saving work in very difficult and dangerous circumstances. We want everyone to be able to come to work and feel safe and secure in their workplace, and feel supported. That has been at the heart of our strategy.

As I said earlier—I agree with everything that I have heard from my colleagues on the panel—the focus of our attention has been education. Some of the information that came through to us was that there was a lack of understanding. There are obviously very specific cases of clearly inappropriate behaviour that should not be tolerated in any workplace, but I think there is a broad spectrum of harassment that goes on in the workplace, and we have heard some examples of that today.

My view is that, much in the way that Julian will tackle crime prevention, it is about tackling it at grassroots level. We need to create an environment where people are very clear about what is and is not acceptable behaviour in the workplace. We developed an online tool that covered a whole gambit of workplace issues—not just focusing on sexual harassment, because we wanted colleagues to be able to come to work and be very clear about what we expect from them, and what is acceptable behaviour and what is not. It was an online training tool, and we did face-to-face training to reinforce that. And we have retrained line managers to ensure that they can pick up on any concerns that are being raised by colleagues. What we found throughout the training was that often people will make a throwaway or inappropriate comment in the moment and not realise the impact that that is having on somebody.

While the cases that have been reported in the media are horrific and horrendous and should never happen, I would suggest that there is a huge swathe of behaviour going on, which colleagues here are talking about, that is under-reported and, frankly, just not acceptable. So since I have been in post, I have been working with the leadership team at Save the Children to say, “This is how we want to show up.” It is important that we role-model behaviours as a senior leadership team.

I think it is important for the Committee to know, if you are not aware already, that almost 100% of our senior leadership team has turned over since 2015, so we have a very new leadership team. We have redressed the gender imbalance within our senior leadership team and our next tier down. The feedback that we got in one of our recent surveys was that we are a much kinder organisation.

Q381 Vicky Ford: So they are measuring those things.

Clare Conaghan: Yes. We have developed a set of indicators that we refer to as our people deal. This is work that we have developed with our staff, and we have taken a steer from the senior leadership team, so it is a



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top-down, bottom-up approach. We have worked with our staff to understand what is important to them, what they want to see when they come to work, what “good” looks like to them and what they expect from us as an employer, and we have developed a number of indicators that we can measure against. We took a baseline last year, and we will regularly assess our progress against the baselines to tell us whether we are heading in the right direction.

Q382 **Vicky Ford:** So it’s very specific measurements that you are doing.

Clare Conaghan: Yes.

Q383 **Eddie Hughes:** All employers have a duty to their employees with regard to ensuring health and safety and welfare at work, and that will include assessing the risks to employees at work. Would your organisations have done any work with regard to risk assessments for sexual harassment in the workplace, and if you did, what did you find and what action did you take?

Sue Owen: We haven’t done ones explicitly about sexual harassment, but we certainly look very intensively at our data and our surveys on bullying and harassment. Only a few weeks ago, we had an hour and a half’s discussion involving the heads of all departments on these issues. We then took the results of our more intensive recent survey. We took the free-text comments, which revealed the impact of dreadful behaviour of all kinds. So I would say we are pretty focused now in government.

Of course, it varies quite a lot across different Departments. Departments have different organisational cultures. But certainly, the fact that our diversity and inclusion strategy now really emphasises inclusion, cracking down on bullying and harassment and the higher profile we now have on sexual harassment—it is certainly much more in the consciousness of our senior leaders, who, at the end of the day, are the ones who have to set the tone.

Personally, I think it’s also very important to remember that the mass of civil servants do not work in London—in Whitehall. They are in operational units, running benefit processing centres, call centres, prisons, courts and so on. I think it is very important that we get proper leadership at the more junior levels, where more junior-graded people are the leaders of those kinds of operational unit. My own experience is more of Work and Pensions, and I would say that everyday sexism, macho culture and banter, which can be a real problem, is the sort of thing that we need our local leaders to focus on as well.

Andrew Kean: As Sue says, at civil service level, no, we have not done a formal risk assessment, but in my experience, given the size, scale, and complexity of the civil service—actually, we are multiple employers—it is never that meaningful to do anything other than an analysis at that level. Neither of us, if we are honest, can speak for what individual—

Q384 **Eddie Hughes:** Sorry; are you saying it is too big for you to do it?

Andrew Kean: No, I am not saying it is too big—



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Q385 **Eddie Hughes:** Too big and too complex, so smaller people can do it because they can be concerned about their employees, but you are too big to focus on individuals, because you have got loads of people, haven't you?

Andrew Kean: It is not that we are too big for it to be worth doing. I am saying that it will become too generic and too abstract for it to be a meaningful risk assessment.

Q386 **Eddie Hughes:** How could it be if you focus on individual officers and teams?

Andrew Kean: I am agreeing with you. What I am saying is what neither of us can speak for. In individual Departments, as the actual employers and in individual offices, there will undoubtedly be more detailed assessments done that neither of us can speak for.

Q387 **Eddie Hughes:** But somebody at the top must determine that those people several tiers down do those things. I imagine that comes from the top. You surely do not leave it to individual Departments and teams to determine whether they assess the risk for the safety of their employees.

Andrew Kean: Ultimately, Sue is Permanent Secretary of her own Department. Permanent Secretaries hold the accountability for the decisions of what they do in their own Departments. In carrying out this work for Sue, I have spoken to HR directors quite a lot. Have I talked to them about what documents they produce? No, I have never asked them that question.

Q388 **Eddie Hughes:** Hang on a second. I am really confused now. I am saying that from the top of the organisation, the directive trickling downwards surely should be very specific: yes, you do these things. You seem to be suggesting that you don't know what they do. They are not given any direction and you don't speak to them individually to find out what they do. Surely that should be prescriptive from the top.

Andrew Kean: I have spoken to them a lot. What I have not spoken to them about is whether they have done formal risk assessments. I apologise if I am mixing up issues. It is very clear. As Sue said, there have been lots of conversations at Permanent Secretary level. Jeremy Heywood has been clear on this. John Manzoni has been clear on this. Rupert McNeil as chief people officer has been clear on this. All HR directors and all Permanent Secretaries I have spoken to are absolutely in the same place on this. The safety of staff in all our different organisations is paramount. Therefore, in every organisation there is an absolute expectation that everyone will look at their own data, their own culture and their own internal information, and from that take the appropriate actions. How that is documented I cannot speak for.

Jean Ashton: In the Crown Prosecution Service, in our violence against women policy, we provide guidance to managers on how to undertake a risk assessment, but this is not just about sexual harassment in the workplace. It is about our employees who might be subject to domestic abuse, harassment, sexual assault and even rape outside of the workplace. We provided guidance to our managers on how to assess that



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risk and how to provide support. We have even placed our employees into places of safety. We have worked with our employees where they have needed to have new identities and to be relocated, because of a horrific crime. We have supported employees who have been the victims of significant domestic abuse. We do not keep data on those cases. They are very personal, but before this Committee I spoke to our local HR advisers to ask them about the number of times that they have used the policy in recent times. HR advisers reported on seven specific cases. I can tell you that in my time in the CPS I have personally managed four cases, in terms of my duty as a manager. So we do the risk assessment at an individual level. Again, I come back to the work that we did in 2016 and the steps that we have put in place now so that we have a better understanding of actual harassment in the workplace.

Q389 Chair: Eddie, do you mind if I ask a quick question? It is interesting to hear the difference between what Jean is saying in terms of the amount of work you are doing and what we are hearing from the broader civil service. You are part of the civil service.

Jean Ashton: We are.

Q390 Chair: Sue, why do you think there is a difference of approach?

Sue Owen: Some Departments have always taken this more seriously than others. The Crown Prosecution Service has a very good record on concerns about diversity and inclusion in general. My own Department has a very good record. Other Departments have some catching up to do, particularly the ones with the large numbers of people. But while I am Diversity and Inclusion Champion I will keep up the pressure on them.

Perhaps I can just say one thing. One thing our more detailed survey on bullying and harassment reveals is it is not entirely an issue of men harassing women. We do have examples of women harassing men, women harassing women and men harassing men. The majority is women being harassed by men, but it is not everything.

Chief Constable Williams: On risk assessments, no, policing has not got any risk assessments in relation to particular groups at present. It is certainly something I will look at within the action plan, and look at to learn from others.

In relation to sexual offences externally by police officers or police staff, we do conduct risk assessments and covertly look at people and provide risk matrices on individuals we think could be a problem for vulnerable victims, family members of victims, etc. I know from personal experience and I know from the leadership across the service that the amount of work we have done on abuse of power for sexual gain has had a massive impact on the internal workings of policing. People are very sensitive towards any sort of sexual activity in relation to any vulnerable people. But there is certainly no risk assessment at this present time.

Clare Conaghan: We did a big piece of work last year with our board reviewing the risk profile that we have across the entire organisation, across all of our risks. In the light of everything we have discussed already



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today, the board of trustees felt it was right and appropriate that we introduce into our risk framework a new risk around the impact on our organisation and potentially the impact on our beneficiaries, if this type of behaviour goes on in our organisation. That is a fairly new risk that we have reintroduced back into the organisation.

I think, listening to some of the suggestions that I have heard from colleagues today, that there are some rich ideas that we can certainly take away to ensure we have what we call three lines of defence in terms of how we assure ourselves as an organisation that we are taking appropriate steps to mitigate the risks. I am confident we can take that away and have a look at what more we can be doing within Save the Children to ensure that this risk doesn't become a reality for us.

Q391 Eddie Hughes: It has been suggested that protecting workers from sexual harassment should be as important to organisations as data protection or money laundering. With regard to the attitude your organisations will have taken to data protection—we are all talking about GDPR at the moment—how comparable would you say those two things are, in terms of your focus on them?

Clare Conaghan: I am happy to answer first. I think, based on what I have said already, that this is clearly something we have been taking very seriously and focusing on.

Q392 Eddie Hughes: Let us go back to the comparison with GDPR, though. Do you think that has occupied a lot of time within your organisations? We seem to have spent a lot of time talking about it in Parliament.

Clare Conaghan: There is a small team of people where it is occupying an extraordinary amount of time, and they are charged with ensuring the organisation is compliant; but our approach to educating our organisation on the importance of it is very similar to the approach that we have taken—I mentioned this earlier—in our training on respect in the workplace. We have developed a similar product to educate people on their responsibilities around GDPR, much as we have developed our respect in the workplace programme. It is a mandatory training programme that is required to be taken by all staff, and we will be taking steps to ensure that we monitor the compliance of GDPR in the organisation much as we do in terms of how people show up in their behaviours in the workplace.

I think the point you are making is a broader one: do organisations have the right level of focus on this issue? I think the fact that we are sitting here today in front of this Committee tells us that the answer to that question is clearly no, and there is much more that we as organisations could do, perhaps with some changes in legislation, to put renewed focus on this. I understand that other countries that have experienced similar issues have taken steps to change and enshrine things in legislation. I would really welcome the opportunity to do that. Having worked in HR for 20 years, it is really sad that I am sitting here today and we are still talking about this issue, frankly.

Q393 **Chair:** Any specifics on legislation—given that you are so experienced?

Clare Conaghan: We know from other pieces of legislation that there has to be a deterrent, so the employer must feel that there is a sanction on them, not just on the individual. I think there is scope to look at that more broadly; I think there is also something about the duty on employers to satisfy the Government that we are taking these matters seriously. The fact that none of us can put our hand on factually accurate data to tell the Committee what the level of reporting is is something that we could and should address.

As for my learning from my own experience, you come to work every day to do the best job, with the best intentions, and I am sure that when the results of our culture review come in, there will be things that we can do that will absolutely improve what we have done already. But I go back to my earlier point: this is about education. It is about helping people to understand that we are in a modern workplace now, and frankly the locker-room banter, or jokey whatever—even if it is fine for two colleagues, it's not fine. That is not acceptable behaviour in the workplace, and until we really land that message with employers, it will be an uphill struggle. My view is that it is about prevention, rather than waiting until the end and having sanctions. Let's focus on how we can stop this happening in the workplace.

Sue Owen: I will focus just on my Department—Digital, Culture, Media and Sport—which is what I know best. We took the Bill through, so we know quite a lot about GDPR, but in terms of our own responsibilities, all staff have been asked to do a two-hour online course. Eighty-five per cent of our staff have done it. I've done it; it was a very good course. We have not done that for bullying and harassment or sexual harassment, but if you look at our year as whole, we spend a lot of time talking about the values and culture of the organisation. We have a very explicit no-blame culture, with respect for everyone. We have low rates of bullying and harassment—5% overall, so we have the lowest rate in Whitehall—but we have to keep talking about that. Last week we had Mental Health Awareness Week. We do a lot of work on that kind of thing, so a two-hour online training course on sexual harassment is not any better than having a continual conversation about these things throughout the year and having all leaders focused on it.

Q394 **Eddie Hughes:** But the point, surely, of the two-hour GDPR training is so that when people come back to you, they can say, "Look, all of the staff have had this consistent message given to them." I'm not suggesting that these things should be mutually exclusive—you could still do the two-hour session as well, and at least you would know then that a single consistent message had been given to all staff.

Sue Owen: I am sure we will be looking at whether we should have a kind of sheep dip like that and what the best kind of tools would be, because we have not finished our review on that yet. In the past we have done, for example, quite a lot of online unconscious bias training and so on, but I agree with you: we can do both.

Q395 **Eddie Hughes:** Julian, how is GDPR going for the police?

Chief Constable Williams: I can assure you that we comply with the requirements, but I can assure you as well that the health and wellbeing of police officers and police staff is much higher up the agenda than GDPR—that is not to belittle it—because, as a leader in policing, I realise that some of my colleagues deal with very harrowing issues, day in day out. We have got a huge agenda in relation to mental health and wellbeing. Every entrant to the police force does an online course on the code of ethics, which are the nine principles and 10 standards of behaviour, and that is backed up during a 23-week training course, before probation of constables, on all aspects of policing, which includes support for staff associations, support groups, anonymous confidential reporting and the duty to report inappropriate behaviour, including sexual harassment. That will go through training scenarios and a code of ethics, but there is a realisation, because of the figures that have come out—the under-reporting—that there is more to do. However, I can assure you that the health and wellbeing of officers and staff is a key priority for all chief constables, because we realise that unless officers and staff are confident that we care about them and that we want to work with them and assess their mental health regularly, they are not going to provide the service externally to members of the public.

Chair: I am very mindful of time and we have a lot of ground to cover, so if you are happy to move on, Eddie, perhaps I could ask members of the panel to contribute only if you have got something extra to say.

Q396 **Jess Phillips:** You all present a picture of people trying to do the best thing. Do you think that the reality of the people who work for you is the same as what you are presenting here, or do you think that despite what looks good on paper, in reality there are people in all of your organisations who still would not bother to report because they don't have faith? Do you think that is the case?

Clare Conaghan: Actions speak louder than words. It is fine to have policies and procedures, to do the education and to be very clear about what the expectations are, but when you come to put that into practice, it is really important that you are seen to take action and take action robustly. In my experience, that is what gives people the confidence to speak out, because they see other people coming forward. That is one of the reasons why we chose to run an independent review—and it is completely independent. I haven't seen the people who are running it for months, because they are completely independent. We want all of our staff, ex-staff and anybody who has anything to say on the matter to come forward in complete confidence and talk about what is actually going on for them. Staff surveys are fine and training line managers is fine, but people need to feel confident that they can come forward and talk in utter confidence, and that that information will be retained in confidence, but that the learnings from it will be shared with the organisation. We have committed to publicly publishing the report and taking action. It is my hope that that will give our organisation and our staff the confidence that we are taking this seriously.



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Chief Constable Williams: I know we have done a huge amount in relation to integrity and against sexual misconduct, but it is quite clear that the figures show that some people are not reporting. We need to go on a further journey to understand again why they are not reporting. I think it is because they possibly fear repercussions, whether that is with colleagues or in the organisation, so there is definitely more we have to do.

Q397 **Jess Phillips:** On that particular point, the re-victimisation of a person who puts in a complaint is, I would suggest, the single biggest reason why people don't do it. They will be re-victimised by their complaint in lots of situations. Sue, you said that in the last year there were 29 incidents that had been reported, with 17 going through to disciplinary, so there are 12 people there who saw their complaint not go through to disciplinary. What does the civil service do as part of its procedures to ensure that re-victimisation of anybody who comes forward does not happen? For example, do you have written into any disciplinary procedure that any level of re-victimisation will force further sanctions?

Andrew Kean: The answer at the moment is no, it is not written in, but to go back to your earlier point, we know—because it was what we set out to try to establish through the work we have done—in the generality of bullying and harassment that that is precisely what staff are telling us as to why they are not coming forward. They fear repercussions, they don't think it will be taken sufficiently seriously, or they thought it wasn't okay, but it seems to be normal around here. That set of issues, which is in common with what the Institute of Business Ethics reports for its surveys in general, is where we are starting from.

Staff are also telling us that they have heard all the clear statements that senior leaders have made that all forms of bullying and harassment are not okay. They believe the commitment, but they have not yet seen the local action. To come back to your point, we are in the process of completely overhauling all our written policies and procedures, partly because the people who need to use them don't find them accessible, and partly because things that should be explicit like that were not. So no, it does not say it at the moment, but by the summer it will.

Q398 **Jess Phillips:** If a civil servant was known to have re-victimised somebody in a case of sexual harassment, it would have its own disciplinary procedures. I would say the same for the police.

Andrew Kean: That is what I would expect to happen.

Jean Ashton: Victimisation is in our code of conduct. If people are victimised as a result of bringing complaints and bullying, that is a serious misconduct, and we can deal with it as either serious or gross misconduct, depending on the circumstances. It is in our code of conduct.

Q399 **Chair:** But Andrew, why is it not in yours, if it is in the CPS'? It is extraordinary.

Andrew Kean: I am not going to sit here and defend the position at all.

Q400 **Chair:** How many people are in your organisation?

Jess Phillips: There are 380,000.

Chair: That's 380,000 people—the biggest employer in the country.

Andrew Kean: What we hold in my team—I will be getting a bit technical—is the model policy that departments draw down from. It is a bit old. It is now not fit for purpose. It should have already been reviewed. Some organisations, such as CPS, have got ahead of the curve. We in the centre need to sort it out, so that the ones who have not got ahead of the curve can now get there.

Q401 **Jess Phillips:** You might want to get them in. That's my suggestion. Would re-victimisation be an issue in the police?

Chief Constable Williams: Yes, it's in the code of ethics. It quite clearly stipulates that in 2.1—authority, courtesy and respect—and refers to victimisation, and I would consider that an even more serious disciplinary or misconduct offence, rather than the initial. Again, I think one of the reasons for non-reporting from people is probably, "Is there going to be a counter-allegation?" That often happens in certain cases, and that's got to be dealt with sensitively, but victimisation would be seen as even more serious, I would suggest, than initial report.

Q402 **Jess Phillips:** Will your organisations in the bold future have, or do they now have, dedicated staff for investigating sexual harassment complaints?

Jean Ashton: Yes, we have specially trained staff for harassment and bullying, but we also use external investigators in appropriate cases.

Q403 **Jess Phillips:** So, independent external investigators.

Jean Ashton: Independent externally, yes, depending on the circumstances.

Clare Conaghan: We are in the process of retraining our staff. We have got what we call child safeguarding focal points throughout the organisation, whose primary role, as well as their day job, is to act as a focal point that anyone with concerns about safeguarding issues can go to. We are establishing those under our PSEA policy, which stands for protection from sexual exploitation and abuse. We are looking to develop a network of PSEA focal points, so that staff will have somebody they can go and talk to about concerns. However, much in the way that CPS has recognised, there are general investigations, and then there's investigating what are very serious issues of misconduct, and we recognise that we need to have a higher threshold of training for our staff in investigating those matters.

Chief Constable Williams: We have different levels of investigation. Probably grievance at work, dignity at work, will be dealt with support of HR experts internally. If it moves to a misconduct offence, we have a professional standards department, and that can move over to a different



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force to independently investigate. If it's a gross misconduct offence, or if there's a sexual aspect to it, it can be referred to IOPC, who can conduct an independent investigation as well. We can call on independent investigators.

Q404 Jess Phillips: I'm guessing you don't have dedicated staff—or do you?

Sue Owen: Departments differ. We definitely want to build some independent reporting into our central advice, but some Departments have specially trained fair treatment ambassadors; others have employee assistance lines that they can telephone. There is some interesting innovation going on now in the Ministry of Justice with ways of reporting, where you can opt to have it taken forward only if others also report. There is some really good stuff, and I think there are some other interesting things. There was something on the BBC the other day about the importance of record keeping. That is really crucial—that you can pull up a history of what's been going on.

Q405 Jess Phillips: To finish very quickly, how in the future will you, or how do you now, test how effective all this change and these policies are? How will we know that it has worked?

Sue Owen: Much lower rates of bullying and harassment. We are also looking in the civil service at measures of inclusive culture. We would like to see those improve.

Chief Constable Williams: Levels of reporting—as you said, with more confidence you would hope they were higher—and also further staff surveys, linking in with expert advice, and work on developing an action plan with colleagues.

Q406 Tonia Antoniazzi: We know that some employees find the experience of taking a complaint of sexual harassment through internal grievance procedures traumatic and disappointing, so can internal grievance procedures ever be robust enough to ensure that sexual harassment claims are dealt with fairly and appropriately?

Jean Ashton: Grievance procedures can take some time to conclude, but we do have set timescales within which we expect grievance investigations to be completed. Our standard is 15 days. If it's going to take longer than 15 days, we ensure that the complainant is fully aware, that they have a timetable and that we work to that timetable.

Clare Conaghan: Rather than repeat what my colleague has just said, I would build on the point that we were just talking about, which is about giving people confidence to come forward, if we've got specially trained people who understand what's going on for the individual and how difficult and traumatic it is. The police obviously have very highly trained people for when they are dealing with members of the public who are coming forward and talking about very traumatic incidents, and they have rooms set aside and things set up so that if they have to go to court, it can be done in a very sensitive way. I am not suggesting that we need to go to that extreme, but there are other organisations and other industries out



there that deal with this on a regular basis, and perhaps we need to look a bit further afield to take some lessons learned.

Chief Constable Williams: It's exactly the same as Jean said with the timescale—they can move up the grades, depending on how quickly that takes place. One concern, though, once a grievance is made for the individual, and if they have made the grievance against a fellow colleague, is current working conditions and how difficult it is for them. What we are quite keen on doing is ensuring that the grievance is victim-led. So if we have to make changes to working practices, we are very conscious of that, and conscious of the wellbeing of both members of staff, to ensure that they get the best level of support. They will always have a confidential support network or staff associations, like the British Association for Women in Policing—a female police officers association. If it's a male colleague, of course, they can have the same support. We are very conscious of the working conditions when the grievance is ongoing; it can be very, very difficult for the person who has made it to have that dignity at work.

Andrew Kean: I agree with all that and do not want to repeat it. I will mention one thing that we are thinking about, bearing in mind the spectrum of harassment and sexual harassment. In my experience, the grievance dynamic is much better suited to differences of opinion, for want of a better way of putting it. I am not sure that it is the right procedure where something is more clearcut—where there is clear evidence of sexual harassment having taken place—because you can take that forward under a conduct and disciplinary hearing, which has a very different dynamic. It will still be difficult, and you still need to support the individuals through it. Where we do a disservice to people is where things become a grievance and, only when that is concluded, is there also a disciplinary. I think it's an issue for all employers to make sure that we are not using one process when a different one is better and more appropriate.

Q407 **Tonia Antoniazzi:** You've already touched on this, but should more employers consider appointing external investigators to deal with complaints of sexual harassment?

Andrew Kean: Yes.

Sue Owen: Yes.

Tonia Antoniazzi: I agree, too.

Sue Owen: I'll tell you one thing that has come up in some of our free-text comments, though. In some cases, the perpetrators feel unsupported as well—particularly in cases where complaints are not upheld.

Q408 **Tonia Antoniazzi:** The EHRC has suggested that online reporting tools will help to drive cultural change and increase the reporting of sexual harassment at work. You have online tools and other people have. Do you agree with that as well?



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Andrew Kean: I was struck by the evidence that one of your other witnesses gave about the value of being able to talk to people. I think it's about having that range of tools available. For some people, online will help, and for some people, passporting them on to people they can talk to will help. It is complex, and we need to have a set-up whereby those multiple channels are available so that people have a place that they feel is safe to go. But it's also about then being clear to people that, "If you only go online, this is what you can access; if you need more than that, go over here."

Jean Ashton: We went to the anonymised bullying and harassment helpline, because we wanted to be in a position where we could provide targeted and immediate help in cases. I suppose there is just that concern about a remote online place. It's a question of how we get to the individual and provide them with targeted support and help.

Q409 **Tonia Antoniazzi:** What is your view of the appropriateness of mediation as a means of resolving complaints of sexual harassment?

Chief Constable Williams: It's exactly the same as what Andrew said, really. It's the appropriateness of the conduct and what level it exists at. Mediation has been used before, and apparently it has worked in certain circumstances, but, again, it definitely depends on the severity and on the level the conduct is at.

One thing that holds people back, certainly in relation to sexual matters, is possibly what is going to happen to the perpetrator. We have to recognise that some people work closely together in organisations, and sometimes they don't report because they fear the repercussions—what will happen to the perpetrator—and they don't currently want that. That is part of education as well. As Sue said, there needs, possibly, on occasion, to be support for a perpetrator as to a lack of understanding of what impact they are having—the impact they are having on the health and wellbeing of colleagues and therefore the public.

Q410 **Chair:** A final question from me: do you support the EHRC's recommendation that there should be a new duty on employers to prevent harassment, and a statutory code of practice on sexual harassment and harassment at work?

Sue Owen: Obviously, the Government Equalities Office is looking at this as a general policy. Within the civil service, we already have a duty on bullying and harassment, but I think we will now think very explicitly about whether we need a separate code on sexual harassment.

Q411 **Chair:** Any other thoughts?

Chief Constable Williams: The code of ethics is a code of practice—the Police Act was amended, and the 2014 Act as well. So it's already a code of practice; it has harassment in there. I am personally meeting the head of the College of Policing, because the code of ethics may need a refresh, and sexual harassment could appear in there.

Also, as part of the NPCC ethics portfolio, we're providing guidance very shortly for chief constables on the appropriateness of certain sexual and intimate relationships within policing and with policing colleagues.

Q412 **Chair:** Clare, what about your views?

Clare Conaghan: We are talking here about private sector organisations, and I'm probably the third sector—I work in that sector. We have a code of conduct, which is very clear. There is a piece of work going on across the sector at the moment to see whether we can get a standardised code of conduct across the sector so we're all operating on the same standards. Whether it's that route or a change in legislation, I do think, as I said—

Q413 **Chair:** What about your duty as a charity, though? You have particular duties as a charity, as well, don't you?

Clare Conaghan: Yes, but we've always been required, as any employer is, to follow the legislation. However, as I think we established earlier, there are not enough teeth in the current legislation to make employers take these matters seriously, which has brought us to having to appear before the Committee today to talk about these wider issues across all sectors in the UK.

Q414 **Chair:** Yet the CPS has seen through all of this and got ahead of the curve. Do you think there should be a duty? Do you think that would actually add anything or just be a duplication?

Jean Ashton: There's nothing in the code of conduct that we would be opposed to, and we think it could potentially support and enhance what we are doing already. But I just want to emphasise that, yes, we have done a lot. We are not a complacent organisation, and we recognised that we need to continue with this work and continue at pace.

Chair: That comes through very strongly indeed.

I am sorry to have had to rush you at the end; it was fascinating, and I really thank you for your candour, your time and all the work that you have put in place to enable you to come along today. I am really very, very grateful. Thank you.

Can we swiftly change panels to our next panel, so that there will be no break in proceedings?

Examination of witnesses

Witnesses: Megan Butler, Lorna Fitzjohn, Dr Henrietta Hughes and Philip White.

Q415 **Chair:** Good morning. Thank you so much for coming along today. I will very swiftly move on. I apologise for keeping you waiting. Before we start with the questions, perhaps you could just say your name and the organisation you represent, starting with Megan.

Megan Butler: Megan Butler, Executive Director of Supervision from the Financial Conduct Authority.

Lorna Fitzjohn: Lorna Fitzjohn, Regional Director for Ofsted.

Dr Hughes: Hello. My name is Henrietta Hughes. I'm the National Guardian for the NHS.

Philip White: I am Philip White, Head of Operational Strategy at the Health and Safety Executive.

Q416 **Eddie Hughes:** What do you think are the most effective incentives for employers in your sector to take action to tackle sexual harassment?

Dr Hughes: In the NHS, we really need to have staff who feel valued and respected at work so that they can deliver the best compassionate care to their patients, and sexual harassment is certainly part of the overall bullying and harassment that staff in the NHS report every year. I think it's really important that it hasn't been done in a granular way, but it's certainly something that is a massive incentive for employers to ensure that all of their staff feel safe and supported at work.

Lorna Fitzjohn: I would just like to reiterate that. Talking about the school sector, it's very important that staff are retained and that they're happy and productive in the workplace. However, schools also have a responsibility to create a positive environment for children to learn in. Leadership in that school should also provide a good role model for young people.

Q417 **Eddie Hughes:** What about other things, inasmuch as any legal obligation or bad publicity that might ensue? Are those not motivators or drivers?

Dr Hughes: I would certainly say that it would be worse publicity for an organisation if something was going on that they are not aware of than to actually be transparent about it and to ensure that action is taken. The actions are really key in this.

Megan Butler: From our perspective, regulatory focus is a key incentive for achieving focus on this in the financial services industry. That is why it is central to what we do.

Philip White: The only point I would add is that, ultimately, the main incentive is sanctions. When the chips are down, sanctions against employers will ultimately drive change.

Chair: Sorry, but the Victorians weren't good on acoustics. If you could raise your voices, we would be very grateful. Thank you.

Vicky Ford: We just can't hear.

Chair: It is difficult to hear in this room.

Q418 **Eddie Hughes:** I just have a few questions in a row, Philip, so maybe we



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both need to shout—forgive me for that. Would employers be correct to consider sexual harassment a health and safety issue as well as an equalities issue?

Philip White: I think we have to be very careful about what we mean by health and safety. A number of aspects, whether safeguarding, food hygiene, fire safety or a number of other areas, are placed at the door of health and safety. Where HSE is coming from is health and safety at work. Our key focus in this area is around what we would consider violence and aggression, particularly from third parties.

We see particular challenges in a number of sectors, whether retail, health and social care, some other areas of the public sector, logistics and transport, and so on. We are focused on the violence and aggression aspect. Invariably, matters are not compartmentalised in the workplace, so some issues, including sexual harassment, might come into that broader ambit, but our focus is very much around violence and aggression to workers as they go about their daily work.

Q419 **Eddie Hughes:** Do you have a role with regard to sexual harassment?

Philip White: Our view is that, where there is more specific regulation and legislation, and where there are more specific bodies that deal with these issues, they should deal with these matters. In this area there is legislation, whether it is the Equality Act 2010, the Protection from Harassment Act 1997 or the Sexual Offences Act 2003. That is enforced by people like the police, and the Equality and Human Rights Commission also has a role. Our view is therefore that they are better placed to deal with these issues when they arise. However, that is not to say that there could be an overlap in some areas.

Q420 **Eddie Hughes:** I am slightly confused by the “S” in HSE—the safety element. Surely employers have a duty to ensure that, when their employees come to work, they are safe. Sexual harassment surely constitutes a breach of safety. Is there a duty on employers, under health and safety law, to protect their staff from sexual harassment?

Philip White: There is no specific duty under health and safety legislation regarding sexual harassment.

Q421 **Eddie Hughes:** Health and safety law can be slightly vague sometimes and is open to interpretation. Is there no existing law that you think could be interpreted in such a way as to relate to sexual harassment?

Philip White: There is no specific legal requirement under the Health and Safety at Work Act 1974 or its framework in relation to sexual harassment. As I said earlier, other legislation applies to this area, and where there is more specific regulation or legislation, we look to those and to the organisations that enforce them to act within their locus.

Q422 **Jess Phillips:** Do you know what caused the most deaths of women at work last year?

Philip White: I don't know.

Q423 Jess Phillips: Would you consider that deaths of women at work came under Health and Safety Executive legislation?

Philip White: If they were killed by a reversing vehicle or an exposure to gas—

Q424 Jess Phillips: So when their safety is not their interpersonal safety, it would come under the Health and Safety Executive?

Chair: Surely a death at work would come under you?

Jess Phillips: The answer is violence against women.

Philip White: A death at work, when that happens, is initially investigated by the police in relation to potential for corporate manslaughter. If there is a violent incident, we will investigate that. In fact, HSE recently took a prosecution against a local authority where two social workers went to visit a client. They were hit over the head with a metal bar. They were not killed, but they were seriously injured. We investigated that jointly with the police. The police took a prosecution for the violent behaviour. We took a prosecution against the local authority because we felt that the evidence showed that their procedures and processes were not followed, or were not appropriate for dealing with the violence.

Q425 Jess Phillips: So if a workplace did not have procedures in place that kept their staff safe at work, that is under the remit of the Health and Safety Executive, in that example.

Philip White: In that example, where there was violence.

Q426 Jess Phillips: Okay. So if your employer does not have policies that keep you safe at work from violence, would that be a responsibility of the Health and Safety Executive?

Philip White: In terms of physical violence, yes.

Q427 Jess Phillips: Regardless of who that is from?

Philip White: Typically, our experience is that it is third parties that create that violence. There have been other cases—last month there was a murder on a construction site in London. That is clearly a matter, in our view, for the police to investigate. It is not a matter for HSE.

Q428 Jess Phillips: Of course, but do you think that the Health and Safety Executive has a role in making sure that workplaces have safety practices at work that keep people safe from violence at work?

Philip White: Yes.

Q429 Jess Phillips: Okay, so does the Health and Safety Executive have any specific guidance for violence against women and girls at work?

Philip White: We don't have any specific advice regarding violence against women and girls at work, but there is guidance and case studies in relation to managing violence at work on our website. There is also a

European piece of guidance that has been developed by the social partners that we and other Government Departments have signed up to.

Jess Phillips: Three women were murdered at work last year due to violence against women and girls, so it might be worth looking into.

Q430 **Eddie Hughes:** I think it might. Would sexual harassment be something that you would look at in a risk assessment when you go into assess companies to see whether they are appropriately keeping their staff safe?

Philip White: Looking specifically at violence and aggression is a very limited part of our work plan because we have a strategy set out for focusing our work in particular areas. We have limited resources. We have to place them where we can achieve the biggest outcomes, and prevent major hazard and catastrophe happening—from at oil and gas facilities, gas pipelines and the like. However, where we have looked at violence and aggression—we recently did this in relation to the Prison Service—we will look at the employers' policies and arrangements for managing violence and aggression.

Q431 **Eddie Hughes:** But not sexual harassment?

Philip White: We are not specifically looking at policies for sexual harassment, but violence and aggression in the round.

Q432 **Eddie Hughes:** I appreciate that this is a subjective question, but do you think that you should—given the prevalence of this, the amount it has been talked about, and the effect that it has on women? Do you think it would be appropriate for health and safety to have a remit here? It seems clearly to fall under the "S" bit of the acronym. When women are going to work, they deserve to be safe. The Health and Safety Executive has part of that remit, surely.

Philip White: I do not think there is any argument about any one of us not wanting people to be harmed at work in any way. The danger is, as I said earlier, that safety can be interpreted in a very broad way. We have things put to our door about safeguarding, food hygiene and what I would call traditional health and safety risks at the workplace. Then you move into these other areas.

There is legislation pertaining to issues relating to employment law and issues relating to equality and sexual harassment at work. There are bodies that can enforce that legislation, and the police obviously have a key role here. Our view is that if there is more appropriate legislation, it is for other bodies to take that up. We do not see this as a mainstream health and safety at work issue under the Health and Safety at Work Act.

Q433 **Chair:** So that is driven by legislation, not by any decision taken by the Health and Safety Executive.

Philip White: No. I come back to this point: our policy is very much that where there is other more specific legislation—and there is a raft of other legislation that covers this area of sexual harassment and harassment—that is more applicable, and those who are responsible for enforcing that,



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or dealing with those, should take the appropriate actions. We cannot fill the gap that may or may not be there in relation to that issue.

Q434 **Eddie Hughes:** So if somebody was concerned that an employer was not doing enough to protect their employees from sexual harassment, that is not something that the Health and Safety Executive would be—I nearly said interested in—concerned with?

Philip White: People do raise concerns with us, and we look at that and we have to take each case on its merits in terms of what the particular elements of the concern or the complaint are. We pass those on to other authorities, which could be the police, local authorities or ACAS—

Q435 **Eddie Hughes:** But you would not have taken any enforcement action in regard to those.

Philip White: There are some matters where sexual harassment might be part and parcel of a broader picture about how that employer is dealing with violence and aggression. It is foreseeable that someone might be concerned that their employer is not dealing with a number of issues to do with their own safety. Part of that might be sexual harassment, and the major bulk might be concerns about aggression or threats of violence from third parties. We might well look into that and, depending on what we find, we might refer the sexual harassment bit, if it is an issue, to the relevant authorities, or it could just be dealt with by putting a policy in place to deal with the third-party risk. It is not easy to compartmentalise everything exactly here; there are overlaps. When you deal with one issue, it might resolve a small amount of another issue, if that makes sense.

Q436 **Eddie Hughes:** Are you doing any work with the Equality and Human Rights Commission to plan to address it and to consider the topic further?

Philip White: We are meeting with them early next month. One thing is clear: we can always improve the way we work with other agencies and authorities. We have liaised with them in the past. It is something that we perhaps need to improve and raise our game on, in terms of more regular liaison and engagement with them.

Q437 **Chair:** I am still not really clear who decided that violence or threats of violence are something you deal with, but threats of sexual harassment or sexualised behaviour are not something you deal with. Who decided that?

Philip White: It is a policy set by the Health and Safety Executive's board.

Q438 **Chair:** So it is a board-level decision, which is not driven by legislation. It is what the board has decided as being safety in their minds.

Philip White: There is a general policy that, as I said earlier, our legislation could be seen to be very far-reaching. A big example of that, where we had challenges in the past, was around patient and user safety, where the law was slightly unclear in that area—



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Q439 **Chair:** So that was a decision of the board; it was not a decision of anybody else.

Philip White: The broad policy—HSE’s policy position—is that where there is other specific legislation that pertains to a particular area, it is appropriate for that legislation to be applied and for those regulators or authorities to take actions. The HSE board will not necessarily decide on each particular issue, because we are faced with so many issues where our legislation overlaps with other legislation, and indeed, for some areas, we have memorandums of understanding with other agencies and authorities. We work under the broad umbrella that where there is other legislation that is more applicable, which other agencies can enforce, they should take primacy in that area. We cannot be seen to pick that up. It was under that umbrella policy that that decision was made.

Q440 **Jess Phillips:** How many women are on your board?

Chair: Three out of 10—I just checked.

Philip White: One of the board members is also a commissioner of the EHRC, interestingly.

Q441 **Jess Phillips:** What information does Ofsted collect on the prevalence of sexual harassment among school staff?

Lorna Fitzjohn: We collect information on inspection. When we go into a school, we will have discussions with staff, pupils and parents on a range of topics, including how well they are treated at the school and what is happening in that environment. That is one way.

Q442 **Jess Phillips:** Is there any specific questioning about sexual harassment? As a parent, I have certainly never been asked.

Lorna Fitzjohn: No. Our framework refers to sexual harassment, and no, we probably would not launch in with a question on sexual harassment. However, if issues arose from any of those parties that pertained to that kind of concern, we would obviously follow that up, so it goes with that. We go into classes; we spend time at break time with pupils and staff. We are round about the school all the time looking at behaviour. That is the main activity we would carry out.

Q443 **Jess Phillips:** Do you collect specific information from staff about levels of sexual harassment within institutions?

Lorna Fitzjohn: If it came up, yes, we would.

Q444 **Jess Phillips:** If it came up. In what way might it come up? If you did a staff survey and somebody said, “Sexual harassment is rife at this school,” for example?

Lorna Fitzjohn: Yes. We carry out a staff survey, a pupil survey and a parent survey while we are there at the school, and we ask questions specifically about whether people are treated fairly. They can then reply in an open text box, and we would follow that through. That is anonymous—it doesn’t have to be, but it generally is—and it is voluntary.

Q445 **Jess Phillips:** How many times has it come up, say in the last year?

Lorna Fitzjohn: I probably could not give you a figure, but it rarely comes up. We are there to inspect the school, the quality of education and the safeguarding of the pupils, and that is generally what people see us as being there for. If it does come up, and I have certainly come across a couple of occasions where it has, we follow that through with the leaders and managers at the school as appropriate, and other agencies if need be, including the police.

Q446 **Jess Phillips:** Going back to the example you just gave, can you tell us about the circumstances in which inspectors look at a school's policies and procedures on preventing sexual harassment?

Lorna Fitzjohn: Yes. It is not a tick-box approach; it is not a case of reading all the policies and ticking that you have seen them. What is really important to us about policies and procedures is the impact of them. One of the key ones in school is behaviour—behaviour of pupils, behaviour of staff and the general culture and ethos of the school. That is a policy we would particularly look at, and we would want to see the impact on the behaviour of all that are at that school. It is important that young people have good role models, learn and prepare for life in modern Britain, and have a curriculum that supports their future. We would look at sex and relationships education and personal development. There is a wide range of subjects. We also have a complaints procedure for complaints against schools.

Q447 **Jess Phillips:** Is that open to staff?

Lorna Fitzjohn: It is open to anyone. We have had staff complaints, and pupils. We have just over 11,000 of those complaints a year. They are followed up and categorised. If it was sexual harassment it would be categorised as safeguarding, and those are obviously looked at in detail. That informs us whether we need to go into that school sooner than we had planned, and we do.

Q448 **Jess Phillips:** So you would go in sooner than you had planned. Obviously, Ofsted has quite a big role in assessing the leadership of a particular school and leadership is a core part of what comes out in an Ofsted report. In the assessment of leadership, are there any specific criteria for assessing how well a leader leads their staff in this area?

Lorna Fitzjohn: There are. Obviously protected characteristics under the Equality Act are within that, so we look at that specifically. Following your last inquiry and the recommendation that was made to us, we changed our handbook and the way we inspect to specifically refer to this, so it is followed through on inspection. Leadership and management are key to a school, the culture, the ethos and the way they work, not only for the staff who work there, but for the pupils being educated there.

Q449 **Jess Phillips:** One in five teachers in the most recent NASUWT survey said that they had suffered sexual harassment from pupils, other staff or leaders. How many inspection reports in the last two years have noted problems with how schools prevent and respond to sexual harassment?

Lorna Fitzjohn: I am not aware of any reports that specifically note that. Certainly there will have been inspections that involved inspectors looking particularly at aspects of sexual harassment in relation to the leaders and managers at the school.

Q450 **Jess Phillips:** Do inspectors have any specific training in how to spot sexual harassment?

Lorna Fitzjohn: Yes, we do. We have online training for safeguarding, which we are all due to have completed by today. It is mandatory and it includes a section on sexual harassment. That is online, but more importantly, we also talk through case studies and examples and discuss our work in relation to a range of topics.

Q451 **Chair:** When was that introduced?

Lorna Fitzjohn: We have always had training on safeguarding. That has always been important. But since your last inquiry we have added additional training on sexual harassment in schools.

Q452 **Vicky Ford:** My questions are to Megan and the FCA. You have mentioned already the importance of regulation. Are there aspects of the FCA's regulatory role that specifically or indirectly relate to how a firm that you cover tackles sexual harassment or becomes aware of sexual harassment?

Megan Butler: The short answer to that is yes. From our perspective, misconduct is misconduct, whether it is financial or non-financial. The key tool we deploy in this area is what we call the senior managers and certification regime. That is a regime that holds the senior leaders of financial institutions to account and holds them responsible for the delivery of proper outcomes through that business, with a particular focus on the cultural values and norms within that business. They are particularly held to account for determining whether their key staff are fit and proper to do their roles.

When we look at fit and proper, that is not merely in the context of financial decision making; it is in a broader, cultural set of values. It encompasses the whole of that individual. We do not believe that a culture that tolerates sexual harassment and other forms of behavioural misconduct will encourage a "safe to speak up" environment, an environment where the best business decisions get taken and where the best risk decisions get taken. So we do not compartmentalise that away from a consideration of what makes an individual fit and proper, and we expect firms to take all of those aspects into account when they look at whether their key individuals are fit and proper to do their roles.

Q453 **Vicky Ford:** How long has that fit and proper test been in place?

Megan Butler: The senior managers regime has been in place for two years. The certification part, which is about all the individuals within the firm, has been in place a little over one year. We are in the very early stages of this development across the financial services industry. It is also fair to say that at the moment it is only rolled out across banks and some



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of the major investment banks. It is rolling out across the insurance industry later this year, and we expect to have the legislation made to allow us to roll out across the totality of financial services next year.

Vicky Ford: I think I should probably declare that I was part of the legislation in setting that up, so it is good to hear that that has happened.

Q454 **Jess Phillips:** On the issue of what is fit and proper, can you comment on whether you think it was fit and proper to attend the Presidents dinner?

Megan Butler: First up, I would say that I don't think we were aware of any of the major firms that were in attendance at the Presidents dinner.

Jess Phillips: I am sure we can get a list.

Megan Butler: Secondly, depending on what the particular behaviour was, it could speak to fit and proper. Absolutely it could—there are a range of things that can and do, which we have focused on. For example, there has been a long-term focus, but in particular more recently, on the sort of environment, incentives and perks that get given to particular people in certain jobs within financial services. The behaviour at those things definitely speak to fit and proper. I would also say that this is not just the regulator saying this. Most of the firms with whom I interact would agree with me that it absolutely speaks to fit and proper.

Q455 **Jess Phillips:** But will there be any fallout from it being unfit and improper?

Megan Butler: From the Presidents dinner?

Jess Phillips: From the Presidents Club, or where it was found that somebody was attending—we wouldn't need to look too far to find one—other salubrious events being attended by people at the top of financial services.

Megan Butler: Yes indeed, there are implications. We see data and information relating to that. For example, on an annual basis we look at the remuneration approach within banks and we look to see how they incentivise and reward particular individuals. Particularly, we look at whether individuals have had their remuneration impacted because of behaviour of this sort. We see evidence that banks are reducing remuneration and in the most extreme cases, are dismissing people for this type of issue.

Q456 **Vicky Ford:** Does part of having the fit and proper regime include the firm establishing a whistleblowing procedure?

Megan Butler: That is not part of fit and proper; that is under a separate regime. We have express rules requiring firms to have a strong and effective whistleblowing regime in their institutions.

Q457 **Vicky Ford:** Does that whistleblowing regime include sexual harassment?

Megan Butler: Absolutely, it would. I do not think the particular words are in our rules, but it would.

Q458 **Vicky Ford:** Does part of doing that fit and proper test require a history of sexual harassment issues to be considered?

Megan Butler: Again, that is not expressed in the words of the rules, but the whole point of the fit and proper test is that it encompasses the totality of that individual and their behaviour in the broader context.

Q459 **Vicky Ford:** In that whistleblowing regime that you have set up, how many issues have you had to do with whistleblowing on sexual harassment in the last five years?

Megan Butler: We have had a number of whistleblowing complaints to us on sexual harassment. We have had nine or so in the last couple of years. It is a very small number. In the context of whistleblowing, we have had 1,500 or so in that same period. It is a very small proportion that gets through to us. That is as it should be, because the first place that an individual should feel that they should blow the whistle is in their own firm. That is why the whistleblowing regime is aimed at the institutions themselves. But if that fails, the individuals can come to us, and they do.

Q460 **Vicky Ford:** Nine came to the FCA, but do you have a view of how many are happening at firm level?

Megan Butler: We do not have the data on how many go through to individual firms. I think it is important to recognise that each firm has a very different culture. Each firm will have pockets of different sorts of problems. Different parts of the financial services industry, as such a broad church, will have different areas of issue and focus. We do not gather that data, but we expect firms to.

Q461 **Vicky Ford:** And when you go in and do your inspection of the firm, would you inspect that whistleblowing regime?

Megan Butler: We would certainly inspect the effectiveness of a whistleblowing regime, definitely.

Q462 **Vicky Ford:** Have you ever taken enforcement action if you have considered that that has not been effective?

Megan Butler: In terms of the whistleblowing regime, yes, we have taken enforcement action on whistleblowing issues. In terms of issues specifically of sexual harassment, no, we have not taken enforcement action in that area. It is fair to say that the connection between poor culture and poor outcomes in the context of financial services is not a link that regulators used to make. It is a relatively recent discipline.

Q463 **Vicky Ford:** Are you taking steps to encourage firms to have specific policies or take actions to prevent sexual harassment and to encourage staff reporting? Have you identified that as a specific area?

Megan Butler: We have identified, and we are talking extensively to firms about, the broad diversity and inclusion agenda, of which this is a key part. For example, last night I hosted about a dozen senior leaders from UK banks, expressly to talk about diversity and inclusion and how they can share what works and what does not work so well, and the challenges they

face around that as leaders. It is very much part of the ongoing supervision dialogue that we have.

Q464 Vicky Ford: You have written publicly about your experiences with sexual harassment early on in your career. Now that you are the lead senior person responsible for conduct across the industry, do you feel personally this mission to help stamp it out and make sure that the industry is really focused on it?

Megan Butler: It is certainly a subject that speaks very personally to me. Having been in the industry for the best part of 30 years and a supervisor for the best part of 10, I see that there has been a change in the last couple of years. There are a range of factors that have brought that to the fore. Some of that is regulatory focus. Some of it is the #MeToo movement, which has been referred to here today. Things like shining the light on some very difficult statistics about things like the gender pay gap have been really helpful too, across financial services, in raising this issue much further up the agenda, which can only be to the broader good.

Q465 Tonia Antoniazzi: These questions are for Dr Hughes. How do you and the National Guardian's Office support a speaking-up culture in the NHS?

Dr Hughes: Following the Mid Staffs inquiry, Sir Robert Francis recommended that every trust in England and every hospital in England should have a freedom to speak up guardian, with a national guardian to lead that network. That is my role. The guardians come from a wide range of professional backgrounds at different levels of the hierarchy and act as that real human contact that staff can get in touch with to speak up about anything that gets in the way of patient care.

Over the last year, we have been collecting data. I was appointed 18 months ago, so I can talk to the first year of data we have collected. Over 6,700 cases have been raised through freedom to speak up guardians, of which maybe half were about bullying and harassment and about a third were about patient safety. What we have not done with that first year of data is drill down into it to understand within the bullying and harassment figures what types of bullying and harassment there are, but I certainly think the work of this Committee has really informed our thinking about how we could do that in the future.

The guardian's role is to be there to be not just reactive but also proactive—to look at the culture in the organisation, to triangulate data from other departments such as complaints and incidents, and to work in partnership with, for example, the staff side, the dignity at work advisers, the guardian of safe working hours for junior doctors and others who are there to have a sort of temperature check of the culture. The speaking-up culture appears to be correlated with the CQC rating, so in the outstanding trusts, managers support staff to speak up and the barriers are not there, whereas if you look at the inadequate trusts, the reverse is the case. We see this very much as part of that development of the leadership in creating the positive speaking-up culture.

Q466 Tonia Antoniazzi: To what extent has your work helped to encourage



NHS employees to speak out about sexual harassment in the workplace?

Dr Hughes: It is not something that we had looked at particularly, but I wrote to the freedom to speak up guardians when I knew I was going to be coming here and a number of them replied to me. So I cannot really say that there is data, but just in terms of the themes, we find in any type of healthcare environment that there can be staff-on-staff, staff-on-patient, patient-on-staff and patient-on-patient harassment. With that last one, we have not really seen any themes of that emerging, but the CQC are looking at that in terms of sexual safety on wards and will be publishing later in the year.

The themes that have come back from the 15 trusts who contacted me are they had had cases very much fitting into those themes of staff-on-staff, staff-on-patient being witnessed by a colleague, and also patient-on-staff.

Q467 **Tonia Antoniazzi:** What proportion of your cases have looked at trusts' responses to reports of sexual harassment of employees, by either colleagues or third parties?

Dr Hughes: In terms of the numbers that came back just from that very brief pulse survey of guardians, it was about just under 30 cases, but other people have come to me. What we would say is that it is not something we have asked every trust to report on, but compared to the thousands of cases of bullying and harassment that have been raised through freedom to speak up guardians, it fits very much with what your other witnesses have said: these are really tiny numbers, which are very out of proportion to a lot of people's experiences in their careers in the NHS—I would say including my own as a trainee and as a medical student, and even in senior roles as well.

Q468 **Tonia Antoniazzi:** Have you made any specific recommendations on actions that trusts should take to tackle and prevent third-party harassment?

Dr Hughes: It is something we are looking at in terms of how we can use data that we are getting from trusts to be able to inform good practice. At the moment, we have not made any recommendations. We have been undertaking case reviews where we look at cases of speaking up that have not been handled well, and none of those to date has raised issues about sexual harassment. We have seen other types of discrimination on protected characteristics and made recommendations on that.

One thing that we recommended related to the CQC and its fit and proper review, so that bullying and victimisation of someone who had spoken up would be seen in the same light as other aspects of fit and proper such as fraud and theft. That is a watermark change for the NHS because, of the numbers of people that have spoken up to guardians, 5% have said that they have suffered detriment.

I was going to say, after listening to the other witnesses earlier today, that the NHS Improvement freedom to speak up policy, which should be adopted by all trusts, has a specific line in it that says anyone who



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victimises someone who has spoken up will be taken through a disciplinary process. I have yet to find a trust that has told me they have done that. When you consider 5% of 6,500 people, we should be seeing hundreds of examples of that, and that is something that we will look at in a thematic way.

Q469 **Tonia Antoniazzi:** Who has the responsibility for ensuring that your recommendations are implemented?

Dr Hughes: The recommendations are implemented by the trusts under the regulators, NHS Improvement and the Care Quality Commission, so we would expect every trust to look at the recommendations that we have made, not just the trusts that we have reviewed. That would then form part of the well-led inspection by the CQC. We have regular meetings with the trusts to support their implementation of the recommendations, and that is jointly with NHS Improvement and the CQC. The recommendation we made for the CQC has been through its internal audit process.

Q470 **Chair:** I am so sorry, we are overrunning, so I am going to ask one last set of questions. Across the board, we have heard today about the huge disparity between reported levels of sexual harassment and the number of people coming forward. What could we do as a Committee to help you do more to resolve that problem and have more victims of sexual harassment come forward? What is it within your area that is stopping people coming forward? What could we do to help you manage that better?

Megan Butler: The key thing that we need is the broader implementation of the senior managers and certification regime, which means we need that legislation turned on for us across industry. That is the tool we use to push firms to get to the right place on these issues. That is what we need to do. We need to get firms creating the right environments. The more we can do in that area, the more light we can generally shine and the more we can keep this as part of the dialogue, keep this in the public domain, and keep talking about the issue.

Q471 **Chair:** When it comes to Ofsted and schools, what is a recommendation that we could make that would mean that more of those one in five teachers who report being sexually harassed come forward and are caught by the Ofsted regime, which is there to build trust?

Lorna Fitzjohn: I think it goes back to shining a light on it. We are not necessarily the people they should go to. There are other agencies they should go to. We have a very specific role as an inspectorate in relation to schools.

Q472 **Chair:** Who should they go to?

Lorna Fitzjohn: They should go to people within their own organisations. There should be a robust response led by the governors of that establishment so that there is a way in which they can take things forward. We will then have a look at the records of that. There are the unions, the police, and other parts of the charity sector that may well



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give them information.

Dr Hughes: I think the most important thing is about disbelief. At the moment people have disbelief that this is happening in their organisation. What was very interesting from your witnesses last week was that if you ask the men in the organisation whether it is happening, they do not believe that it is, but if you ask the women they know full well that it is. So there is something about getting that belief in an uncomfortable truth about one's own organisation, because the insight has got to be the first step in recognising that something needs to be done.

Q473 **Philip White:** I think a mechanism is needed whereby people will feel they can trust where they go to to raise these issues and that they will be looked into.

Q474 **Chair:** But if our recommendation from the Committee was that there should be a duty on the Health and Safety Executive, would that not help?

Philip White: I do not think it would, because sexual harassment is not our area of expertise or locus. Interestingly, I think some of the recommendations on independent arrangements that the EHRC put forward in its report would probably help.

Q475 **Chair:** But dealing with aggression and violence is something you know about, so why wouldn't you know about sexual harassment? Why shouldn't you?

Philip White: I think sexual harassment comes in so many different guises, and there is a gradation of issues within that. Other agencies or bodies have a lot more expertise in dealing with these particular issues. We can certainly play our part in terms of signposting people on to the right place. Indeed, when we find issues, we signpost people on.

Q476 **Chair:** Where do you signpost them to?

Philip White: It could be to the police, to the EHRC, or to ACAS. We need to make sure that there is much more joined-upness in the system among regulators and authorities, to make sure that things get to the right place and are dealt with by the best-placed person.

Q477 **Chair:** But not preventing it, only dealing with the problem afterwards.

Philip White: No, prevention is absolutely key.

Q478 **Chair:** But none of the agencies you have just mentioned can prevent the problem from happening. The police cannot prevent it from happening. The EHRC cannot prevent it. You could, because you have duties to keep the environment safe at work. You could make this part of your agenda, if you chose to.

Philip White: The duty in health and safety legislation is fairly and squarely on the employer. It is not on HSE.

Q479 **Chair:** Yes, but you enforce safety at work before problems happen. You do not just come and mop up the blood afterwards.



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Philip White: Some of our work is preventative, but about 50% of our work is, I'm afraid, about mopping up after the situation has happened.

Chair: But 50% is not.

Philip White: We have a lot of demands on our time in a number of different areas. We have to prioritise, particularly where there is death, serious injury and serious ill health.

Lorna Fitzjohn: Can I add something on the prevention side? I think we all have a duty to prepare our young people, and pupils who are being educated, in relation to personal development, life in modern Britain and sex relationship education. I think there are things that the Committee could do to really promote that part of the curriculum.

Chair: Brilliant. Thank you all very much for your time today. I am sorry we have overrun—I really apologise for that, but it was extremely helpful.