

Sexual harassment policy

This policy is also available in Welsh.

Information box

For further advice contact: People Team

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Version control

Document version	Author	Date of issue	Changes made
1.0	Vicky Price	6 May 2025	New policy

Impact Assessment

- A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.
- An equality impact assessment has been carried out and this policy is not deemed to impact adversely on any people on the grounds of Welsh language, age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

This policy and procedure will be reviewed every three years or whenever a relevant change in legislation occurs. In addition, the policy and procedures may be reviewed at other times, for example if employees involved in using it recommend any changes as a result of their experiences.

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Policy purpose

Estyn is committed to providing an inclusive, supportive and safe environment for all colleagues. This policy outlines our responsibilities under the Worker Protection (Amendment of Equality Act 2010) Act, which states that employers must take “reasonable steps to prevent sexual harassment of employees in the course of their employment”.

Sexual harassment is not tolerated in Estyn, and in addition to the provisions in the Equality Act and the Worker Protection (Amendment of Equality Act 2010) Act could also constitute a criminal offence.

This Policy aims to protect colleagues from unwanted sexual advances and, where sexual harassment may have occurred, will give clear guidelines on how to report any incidents. It will also outline how any such reports will be dealt with, and give clear advice on the steps Estyn has taken to support victims of sexual harassment in the workplace.

We are committed to:

- Creating an environment where sexual harassment is not acceptable in any form
- Ensuring colleagues are protected from sexual harassment whether it be by a colleague, external stakeholder or contractor
- Ensuring there are robust practices in place to deal with any allegation of sexual harassment and taking prompt action
- Ensuring that those experiencing or witnessing sexual harassment know how to report it and are aware of the support available to them
- Ensuring that when cases are reported, they are dealt with promptly, sensitively and appropriately
- Providing training so that everyone recognises what sexual harassment is and understands the impact it has on individuals and the organisation.

Scope of policy

This policy applies to all Estyn staff, including employees, agency staff and those on secondment or loan from other organisations. It does not apply to external inspectors or colleagues on secondment or loan from Estyn to other organisations.

This policy protects colleagues from sexual harassment in all workplace environments both in Anchor Court and offsite at inspection-related activities, including overnight stays

during inspection and work-organised social events, e.g. parties, training or official functions.

If you are not covered by this policy, but have a complaint about the conduct of a member of staff, you should raise this via our complaints handling procedure.

What is sexual harassment?

The [Equality Act 2010](#) defines sexual harassment as “unwanted conduct of a sexual nature, which is intended to, or has the effect of, violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them”.

As an employer we have a duty of care to provide a safe working environment for all employees. From October 2024 the Worker Protection (Amendment of Equality Act 2010) Act strengthens existing protection for workers against sexual harassment including, placing a new duty on employers to take steps to prevent sexual harassment.

Sexual harassment can take many forms and can sometimes be difficult for people to identify, and that can result in cases not being reported. The key characteristic of sexual harassment is that any conduct of a sexual nature is non-consensual. Sexual harassment can be intentional or unintentional and may be a one-off incident that is not necessarily repeated. Conduct ‘of a sexual nature’ includes a wide range of behaviour, such as (this list is not exhaustive):

- Comments or jokes of a sexual nature
- Propositions and sexual advances
- Suggestive looks, staring or leering
- Displaying sexually graphic pictures, posters or photos
- Sexual gestures
- Spreading sexual rumours about a person
- Intrusive questions about a person’s private or sex life
- E-mail/phone calls/texts/instant messages of a sexual nature
- Sexual posts or contact on social media
- Pressure to go on a date(s)
- Inappropriate or unwanted gifts
- Subtle or overt pressure for sexual favours in return for a reward

- Deliberate and unwanted touching, hugging, massaging or kissing

Some forms of sexual harassment and sexual abuse or violence may also constitute a criminal act, such as stalking, image-based abuse, indecent exposure, attempted and actual sexual assault and rape.

Sexual harassment can happen outside the office also, for example, at work-related functions, on inspection, on training courses and at conferences.

Procedure

Raising a complaint of sexual harassment

If you have a complaint, you are best placed to decide how you want to deal with this. In the first instance, you may wish to have an 'in confidence' conversation with someone you trust about what you are experiencing, how you are feeling and the impact the behaviour is having on you.

You could approach your manager or another trusted manager, a colleague, a Trade Union Representative, a member of the People team, or the Anti-Bullying and Harassment Team who will be able to provide guidance and support but will not investigate the matter.

If you would like to take the matter further following an initial conversation, you can do this using the processes outlined within the Grievance Policy.

You can make an anonymous complaint. However, this may mean that there are limitations in what action can be taken because there may not be enough information to carry out a full and fair investigation, or to make an informed decision.

Note: In some circumstances, you may not want to take the matter further but the person who has listened to the complaint has concerns that you have disclosed something sufficiently serious that they need to take action. If this is the case, the person you have confided in will let you know that they need to contact the People team for advice and then discuss the matter again with you to agree on a way forward.

Complaints of sexual harassment should always be treated seriously, regardless of whether it is raised informally or formally.

Timescale for Reporting Cases

Reports of sexual harassment cases will be dealt with regardless of the time elapsed. However, investigating a complaint that has happened a long time in the past could be problematic, and there may be limitations around how far the case can be progressed. It is therefore important to raise concerns as soon as they arise.

Criminal behaviour

Some forms of sexual harassment may also be deemed a criminal act. Where it is suspected that a criminal offence may have been committed, the People team will seek urgent legal advice on handling the case and notifying the police if necessary.

If we have concerns that you or others are at immediate risk of serious harm, we will ask you to call the police or do so on your behalf.

Confidentiality

It is of paramount importance that confidentiality is maintained throughout the handling of any report of sexual harassment, no matter how the concern has been raised or is being treated.

A breach in confidentiality could have a devastating impact on both the person making a complaint, who has trusted the department to treat the case with integrity, and the respondent who is equally entitled to a fair process. It could also deter others from raising complaints in the future.

Victimisation

ACAS describes victimisation as *'when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint'*. Fear of victimisation can prevent someone from reporting sexual harassment. Victimisation or unfair treatment of someone because they have raised a complaint, or it is believed they will make a complaint about bullying, harassment or discrimination is treated as gross misconduct.

Third Parties

We have a duty to ensure that colleagues are not subject to any form of sexual harassment, no matter whether the respondent is an employee or third party. If you report sexual harassment by a third party, the matter will be dealt with promptly, sensitively. Any suspected criminal acts will be reported to the police.

Sources of Support

We recognise that it is not always easy to come forward and raise an allegation of sexual harassment, but we will support any employee who does so.

Investigations into allegations of sexual harassment can also be a difficult and stressful time for others who are involved but we will ensure that Estyn will investigate all cases thoroughly and in a timely fashion. There are various sources of support available throughout the process.

Support Available

- Your line manager, or another trusted manager can provide support and guidance on how to raise a concern under this policy.
- Estyn's Employee Assistance Programme (EAP) may be able to provide advice, counselling and legal services where this is included as part of the EAP contract.
- Trade Union members can seek advice from their representatives. Estyn recognises two trade unions, the FDA (www.fda.org.uk) and the PCS (www.pcs.org.uk).

External sources of support include:

- The ACAS Helpline 0300 123 1100 provides free and impartial advice on a range of workplace issues. You can access their resources at acas.org.uk.
- [Rights of Women](#)
- [Galop](#) – LGBT+ sexual violence support
- [Rape Crisis](#)
- [SurvivorsUK](#) – for men and non-binary people affected by rape and sexual abuse
- [Victim Support](#)