Does the House collect information or data about instances of sexual harassment or allegations of sexual harassment in the workplace (whether between members of staff or between staff and Members)? If so, when did it begin doing so?

Records about allegations of sexual harassment made by House of Commons employees could be held in the HR Advice Services, the Diversity & Inclusion (D&I) team (both in the Corporate Services team) or by the Senior Responsible Owner (SRO) for the Respect policy (the Clerk Assistant).

The HR Advice Services records cover allegations made by House of Commons employees against other House of Commons employees or against Members or their staff where these are made in the context of the HR policies and procedures in the Staff Handbook. Casework records held by the HR Advice Services are held for six years (so currently from 2012).

The D&I team holds records of instances where employees have sought their advice about allegations of bullying and harassment, including sexual harassment. The D&I team holds records from 2014.

The SRO for the Respect policy holds records about allegations of bullying and harassment by House of Commons employees about the behaviour of Members or their staff, which are managed under the informal stages of the Respect policy. These records date back to 2014, when the current Respect policy was implemented.

For what reasons are settlement agreements used when someone’s employment by the House comes to an end? For what reasons would agreements contain clauses that seek to prevent someone speaking publicly or otherwise about their experiences of working for the House?

Like most other organisations, the House of Commons uses settlement agreements to resolve some workplace disputes (previously known as compromise agreements). They are most often used to bring an employment relationship to an end in a mutually agreed way.

Settlement agreements that are used when someone’s employment at the House comes to an end for the following reasons:

- To terminate employment without creating an unfair dismissal or other legal risk, for example, to support restructuring;

- To accelerate and guarantee a dismissal, for example, during conduct/ incapability proceedings or to secure a voluntary exit; or

- To settle a legal claim against the House (this may take the form of a COT3 negotiated through ACAS rather than a settlement agreement).
Settlement agreements generally include a confidentiality clause which is intended to protect both the House and the individual by providing an agreement about the public statements that can be made by both parties about the issues, often the employee’s departure. It is common for this to include an agreed reference which the House agrees to provide about the employee in response to a reference request from a future employer. These clauses are voluntary and a matter for agreement during settlement negotiations. Individuals signing settlement agreements all receive independent advice from a lawyer or trade union official to ensure they fully understand the implications of signing the agreement.

Since January 2015, whether an agreement should include a confidentiality clause is considered on a case-by-case basis rather than as a standard inclusion, in line with the Cabinet Office Guidance on Settlement Agreements, Special Severance Payments and Confidentiality Clauses. Reasons for including a confidentiality clause can include: supporting an individual to leave in a dignified manner; not publicly undermining managers who have been involved in the case, and discouraging similar future claims. Confidentiality clauses cannot prevent the individual from making protected disclosures (“whistleblowing”) as a matter of law. However, in response to concerns raised by the National Audit Office and the Public Accounts Committee that ‘people who have been offered, or accepted compromise agreements have clearly felt gagged’ the Cabinet Office issued guidance in early 2015. Since January 2015 settlement agreements at the House of Commons have therefore included the statement “nothing in this Agreement is intended to prejudice the Employee’s rights related to protected disclosures”.

Has the House ever concluded an agreement with a departing employee containing clauses that sought to or would have the effect of preventing that person speaking out about sexual harassment experienced in the workplace? Can the House provide assurances that this has never happened?

No settlement agreements have been reached with House employees since 2012 in cases where sexual harassment has been alleged. Personal data of this sort is deleted after six years but we are not aware of any cases prior to 2012 where this happened.

Information more broadly about the House’s approach as an employer to dealing with allegations of sexual harassment in the workplace would also be helpful, though if that is not within the scope of the paper already being prepared, perhaps that could be the subject of a further submission.

Complaints about bullying and harassment, including sexual harassment, are managed through two employment policies in the House of Commons. We envisage that in future the separate bullying and harassment and sexual harassment policies and procedures currently being developed by the
Independent Complaints and Grievance Policy will replace these existing policies, subject to the appropriate consultation with the recognised trade unions.

The **Valuing Others** policy sets out the rights and responsibilities of managers and staff in ensuring that everyone is able to work in a positive environment free from unacceptable behaviours such as discrimination, harassment, bullying and victimisation. Complaints are investigated by an External Harassment Investigator, with a Deciding Officer appointed from within the House Service. The policy explains that support is available from the individual’s line manager, Harassment and Bullying Contacts (HBCs), trade union representatives, Welfare Officer or the HR Advice Services.

The **Respect** policy sets out what is expected of relationships between House staff and MPs and their staff. Complaints can be resolved informally with the support of the SRO for the policy or another senior manager or investigated formally. Complaints that cannot be resolved internally can be investigated by the Parliamentary Commissioner for Standards. This policy explains that support is available for employees from the individual’s line manager (or other senior manager), HBCs, trade union representatives, welfare officer, the HR Advice Service as well as the Senior Responsible Officer for the Respect Policy or a member of the D&I team. A list of possible sources of support for Members is also included.

There is **mandatory D&I training**, both online and classroom sessions, which needs to be repeated during probationary periods and every three years thereafter. Online training about bullying and harassment is also provided. Training was provided for all Member-facing roles when the Respect policy was launched in 2014 and refresher training was run following the 2017 General Election. Advice and expertise is available to the organisation and individual employees from the D&I team.

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