



27 April 2021



Tēnā koe 

Thank you for your email of 23 March 2021 to the Ministry of Education requesting the following information:

- 1. How many complaints of sexual harassment have been made within the Ministry of Education within each of the last five years – broken down by year?*
- 2. How many complaints of sexual assault have been made within the Ministry of Education within each of the last five years – broken down by year?*
- 3. How many of these complaints of sexual harassment have been substantiated at the Ministry of Education, broken down by year.*
- 4. How many of these complaints of sexual assault have been substantiated at the Ministry of Education, broken down by year.*

Your request has been considered under the Official Information Act 1982 (the Act).

Sexual harassment has no place at the Ministry of Education and is not tolerated. We are committed to providing a safe workplace for all employees, free from any form of harassment or discrimination. In 2017 we amended our Bullying and Harassment Policy and created guidelines for raising and dealing with allegations of sexual harassment. The guidelines are published on our intranet and are available to all staff.

In September 2020, we also launched the 'Speak Up' framework, which was designed to support staff and encourage people who experience or witness unacceptable behaviour to have the ability to speak up with the reassertion that concerns can be raised without fear of reprisal.

We encourage an employee (or others) with concerns about sexual harassment, or who has witnessed sexual harassment, to contact their manager, our People Capability team or a support person to help them address the situation. The Ministry also offers free and confidential support services to all employees and if any issues of sexual harassment are raised, our sexual harassment guidelines and complaints resolution processes are activated to ensure the issue is acted on promptly and fairly.

I am refusing your request for information about complaints of sexual harassment laid prior to 2017 under section 18(f) of the Act, due to the substantial collation required to provide a response. We would need to source and manually examine multiple records to find the information within scope of your request, and this would place a burden on the resources of the Ministry.

The Ministry’s Sexual Harassment Guidelines set out the definition of sexual harassment as well as outlining the options for resolution. These options are:

Option 1 - Self-Help

- Complainant wants to deal with it themselves but might seek support from their Manager, People Capability, or a support person, or
- Complainant writes a letter to the alleged harasser on a private and confidential basis
- If this resolves the issue, the matter ends
- If this doesn’t resolve the issue, the complainant can consider their options

Option 2 - Informal Solution

- Complainants manager or support person speaks to the alleged harasser on the complainants behalf, or
- A complaint is made to the alleged harasser
- If the harasser admits the behaviour, no further investigation is required and the complainant is satisfied with the resolution, then the matter ends.
- If the alleged harasser does not admit the behaviour, or the complainant is not satisfied with the resolution, then they may wish to consider their options

Option 3 – Formal complaint

- A complaint is made to the complainants manager, the Secretary for Education or People Capability
- We decide to proceed to a formal investigation
- A formal investigation is carried out in accordance with this policy
- A complaint is substantiated or not
- Appropriate action is taken
- End of the process

NOTE: the complainant may elect to take action via legislation covering sexual harassment.

The following table breaks down by year the number of formal complaints of sexual harassment over the last five years and the status of each complaint.

Table One: Number of complaints of sexual harassment and status for the past four years

Year	Complaints of sexual harassment	Status
2017	0	n/a
2018	0	n/a
2019	1	Substantiated
2020	2	One Substantiated One still under investigation
1 Jan 2021 – 23 March 2021	1	Initial stages of complaint resolution

Of the four complaints noted above, none would be defined as sexual assault. If a complaint was lodged that alleged sexual assault, the Ministry would strongly encourage that person to contact and escalate to the Police.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. If you have further questions please feel free to contact our media team in the first instance at media.team@education.govt.nz. If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Zoe Griffiths
Deputy Secretary
Business Enablement and Support