

Dear

FREEDOM OF INFORMATION – SEXUAL SAFETY INCIDENTS

I write in response to your request for information in relation to sexual safety incidents

Question:

1. How many **sexual safety incidents** took place in trust premises since 1 Jan 2020 to date?

Total

2. Please provide a breakdown of the total provided in question 1 by **calendar year***

a) 2020	b) 2021	c) 2022	d) 2023	e) 2024	f) 2025 to date

3. Please provide a breakdown of the total provided in question 1 by **type of sexual safety incident** - e.g. a) rape, b) sexual assault etc

a) Rape	b) Sexual assault	c) Sexual harassment	d) Stalking	e) Abusive sexual remarks	f) Other

4. Please provide a breakdown of the total provided in question 1 by **age of victim** in the following categories: a) under 18, b) 18-64 and c) 65 and over**

a) Under 18	b) 18-64	c) 65+

5. Please provide a breakdown of the total provided in question 1 by **status of the victim and perpetrator** in the following categories:

1. Perpetrator was a staff member and victim was staff member
 2. Perpetrator was a member of the public (or patient) and victim was a member of the public (or patient)
 3. Perpetrator was a member of the public (or patient) and victim was a staff member
6. Perpetrator was a staff member and victim was a member of the public (or patient)

Headquarters
Mainpoint
102 West Port
Edinburgh EH3 9DN

Chair Professor John Connaghan CBE
Chief Executive Professor Caroline Hiscox
Lothian NHS Board is the common name of Lothian Health Board



a)staff against staff	b)public/patient against public/patient	c)public/patient against staff	d)staff against public/patient

7. Please provide a breakdown of the total number of **rapes** since 1 Jan 2020 (i.e. the answer to 3.a) by the **age of the rape victim** in the following categories: a) under 18, b) 18-64 and c) 65 plus**

a)Under 18	b) 18-64	c) 65+

Answer:

As advised when we requested clarification we do not record these incidents as per your definition in question 3.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to staff and patient incidents over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

Question:

8. Does your trust have a dedicated policy to deal with sexual assault and harassment? If so please provide a copy of your trust’s written policy and if possible provide a date that the current policy was put in place.

Answer:

We have a dedicated intranet page accessible to staff (internal) and I have enclosed a selection of documents and an extract from the page which will provide some links. Please note the majority of the links in the exert below will not allow access as this is taken from an internal webpage. If you would like a copy of anything listed below that has not been provided please contact us again.

[Gender-based Violence Policy Overview | NHS Scotland](#)

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain



dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive
Enc.

Gender Based Violence

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What is Gender-Based Violence?

Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms.

The term is primarily used to describe the fact that structural, gender-based power differentials place women and girls at risk of multiple forms of violence.

Whilst women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQI+ populations when referencing violence related to attitudes towards masculinity, femininity and gender.

See the [European Commission's page on Gender-Based Violence](#) for more information and examples of GBV.

Click here for the [NHS Scotland Gender-Based Violence Policy](#).

Violence Against Women

Violence against women (VAW) is understood as a violation of human rights and a form of discrimination against women. Forms of violence against women can include physical, sexual, psychological, or economic harm. It affects women from all backgrounds irrespective of age, sexual orientation, race, education, culture, and socioeconomic status.

The term VAW includes, but is not limited to:

- Domestic abuse,
- Stalking,
- Sexual harassment,
- Rape and sexual assault, and
- So-called 'honour-based' abuse

Domestic Abuse

Domestic abuse impacts more than home life. Stress, trauma and physical injuries can make it difficult for a victim-survivor of domestic abuse to do their work as normal or result in unexplained lateness or absence. They may require to take time away from work to access resources or legal support or attend GP appointments. The impact of abuse can also cause some to leave work or work in posts that underutilise their skills.

This can also impact colleagues as they may have to cover for lateness and absence or protect the victim-survivor from unwanted attention, phone calls or visits. Witnessing a colleague dealing with abuse and feeling unable to help can negatively impact on staff mental health and can be (re-)traumatising for other victim-survivors.

This [guidance for line managers](#) from Equally Safe at Work can help you identify the signs of VAW and support your member of staff.

Emotional Abuse

Abuse doesn't have to be physical. Emotional abuse can include threats and intimidation (e.g. shouting, aggressive behaviour such as throwing/breaking household goods or punching holes in walls), criticism (e.g. namecalling, making derogatory comments about one's body, behaviours or personality), undermining and gaslighting (dismissing one's opinion, making one doubt their thoughts and memories), making one feel guilty (e.g. with threats of hurting themselves or someone else), and controlling and alienation (telling one what to do/wear/say, making one stop seeing other people or convincing them to stop contact with friends and family).

Financial and Economic Abuse

Financial abuse can include withholding money, controlling household income, keeping finances secret, building up debt (either jointly or in their partner's name), and even keeping their partner from working. Economic abuse is a broader term that encompasses restricting access to essential resources and services (food, transport, clothing). It's a way of removing a person's independence and making them feel incapable of caring for themselves.

Stalking

Stalking is a form of harassment that includes following or tracking someone, turning up uninvited to their home or places they frequent, spying on someone, identity theft (e.g. signing up to services or buying things in their name), monitoring communications, accessing their online accounts, and

threatening to share private information or photos. Actions constitute stalking when they're done repeatedly and make the target feel scared, distressed or threatened.

Stalking can result in unexplained or frequent absences. A stalker might tamper with a victim-survivor's car, follow them to and from work, or send unwanted gifts or flowers to their work, making them reluctant or unable to attend work.

You can find resources with more information on stalking and how to support victim-survivors below.

Sexual Harassment

Sexual harassment is 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. Women are most likely to be victim-survivors of sexual harassment, and it often involves a power differential (e.g. a consultant harassing a doctor in training), but anyone can be a victim of sexual harassment from any other member of staff.

Sexual harassment can take place inside or outside of working hours and/or the workplace, and can happen face-to-face, online (chat, email) and/or by phone (calls and texts). This can include inappropriate messages, photos or videos, or taking Teams calls while dressed inappropriately or in an inappropriate place (e.g. from bed).

Sexual harassment can include anything from unwanted physical contact (e.g. touching a knee or the lower back) to sexual comments, jokes or messages, to sexual assault. The [guidance for line managers](#) from Equally Safe at Work can help you identify signs of sexual harassment and assault and help support your member of staff.

You can find resources and support for victim-survivors, allies, and those who might be questioning their behaviour on the [Medical Education Directorate \(MED\) Sexual Misconduct Resources page](#).

[Once for Scotland Sexual Harassment Guidance](#)

Rape and Sexual Assault

Rape and sexual assault can result in trauma, fear, stress, anxiety, depression, panic attacks and flashbacks. This can make it difficult for women to focus, or feel safe getting to, being at, and leaving work.

Victim-survivors of rape or sexual assault might need to take time off work because of the physical and emotional impact of their experience. They might have difficulty focusing or completing tasks and might feel easily overwhelmed or stressed. They might have difficulty in work situations which may involve groups of men or being alone with men.

You can find Equally Safe at Work's ["Key messages for line managers responding to disclosures or reports of rape and sexual assault"](#) here as well as further guidance below.

'Honour'-based abuse

Honour-based abuse is a form of control or punishment used to protect or defend perceived cultural/religious beliefs and honour. The honour code means that females must follow rules that are interpreted according to what family members or communities consider acceptable.

The term 'honour-based abuse' encompasses a variety of incidents or crimes of violence, including physical abuse, sexual violence, abduction, forced marriage, imprisonment and murder where the person is being punished by their family or community.

In addition to the physical and psychological harm that can occur, honour-based violence can impact the workplace in several ways. Victim-survivors may be coerced into specific jobs or not going for promotion because it is seen as inappropriate, or because they will be expected to interact with men. They can be shamed and judged for wanting a job, and those who are in the country on a visa may be threatened with deportation or otherwise being sent away unless they stop working.

Police Scotland has a [page explaining honour-based abuse](#).

Female Genital Mutilation

Female Genital Mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for cultural or non-medical reasons. Within communities that practice FGM, it might also be known as cutting, and is sometimes referred to as female circumcision. It involves removing and damaging healthy and normal female genital tissue, and it interferes with the natural functions of girls' and women's bodies. Although all forms of FGM are associated with increased risk of health complications, the risk is greater with more severe forms of FGM.

FGM is usually carried out on young girls between infancy and adolescence, but can be carried out on adult women. FGM is illegal in the UK, so girls and women are at risk of being taken out of the country to have the procedure.

Possible work-related adjustments

Within NHS Scotland's suite of policies there is scope for managers to consider a range of work-related adjustments for victim-survivors of gender-based violence. The relevant policies and associated guides to consider are:

- [Special Leave Policy](#)
- [Flexible Work Pattern Policy](#)
- [Flexible Work Location Policy](#)

Some examples of what can be considered are below:

- periods of reasonable absence in line with locally developed special leave policies (such as time off to visit solicitors, to attend counselling or to attend court etc.);
- job security for staff attempting to flee an abusive situation and/or where possible give favourable consideration to any request for a change of workplace/work arrangements;
- work patterns or adjustment to workload for a temporary period to make it more manageable;
- at times when the employee needs to be absent from work, mutually agree a safe, confidential method of communication and consider any safety implications that may arise when working from home;
- security of information held such as temporary or new addresses, bank or healthcare details;
- with consent, advise colleagues of the situation on a need to know basis and agree the response should the perpetrator/alleged perpetrator contact the workplace;
- requests for an advance of pay;
- use of an assumed name at work;
- change telephone numbers, divert phone calls and e-mails;

- alert reception and security staff where the alleged abuser is known to come to the workplace, ensure the employee does not work alone or in an isolated area;
- implement particular security arrangements that may have to be put in place to ensure the safety of the employee, colleagues or patients; and
- record any threatening or violent incidents by the perpetrator in the workplace, including visits, abusive/ persistent phone calls, e-mails and other forms of harassment which can be used by the police or the employee at a future date if they wish to seek a court order.

This list is not exhaustive and there may be other measures that managers can tailor to the individual circumstances of the employee.

Resources

Helplines for Victim-Survivors

- [NHS Lothian Sexual Assault Response Co-ordination Service \(SARCS\)](#)

24hrs: 0800 148 88 88

- [Domestic Abuse and Forced Marriage](#)

24hrs: 0800 027 1234

- [Rape Crisis Scotland](#)

5pm-midnight: 08088 01 0302

- [Scottish Women's Rights Centre](#)

Wed 10am-1pm, Thurs 1.30-4.30pm: 08088 010 789

- [Amina](#) (Muslim Women's Resource Centre)

Mon-Fri 10am-4pm: 0808 801 0301

- [Hemat Gryffe](#) (BME women's support)

24hrs: 0141 353 0859

- [LGBT Health and Wellbeing](#) Helpline

Tues & Wed 12-9pm, Thurs & Sun 1-6pm: 0300 123 2523

- [Galop](#) helpline (LGBT+ Victims and Survivors of Abuse and Violence)

24hrs: 0800 999 5428

- [Men's Advice Line](#)

Mon – Fri 10am – 1pm, 2pm – 5pm: 0808 801 0327

Guidance for Managers

- [NHS Scotland Gender Based Violence Policy](#)
- [Guidance for line managers on violence against women and work](#) (Equally Safe at Work)
- [Guidance for line managers on sexual harassment](#) (Equally Safe at Work)
- [Key messages for challenging and responding to sexual harassment](#) (Equally Safe at Work)
- [Line managers' guidance on rape and sexual assault: Best practice for supporting victim-survivors](#) (Equally Safe at Work)
- [Shetland Women's Aid Time to Talk Toolkit](#)

Turas Modules relating to sexual harassment

- [Gender-Based Violence](#)
- [Preventing and Responding to Sexual Harassment](#) (previously known as Sexual Harassment for Line Managers)
- [Responding to a disclosure of rape or sexual assault](#)

Additional Resources

- [Women's Aid Information and Support](#)
- [I'm not sure if my relationship is healthy](#) - page from Women's Aid on recognising abuse
- [Victim's Code for Scotland](#) - sets out your rights as a victim of crime in Scotland
- [Police.UK Stalking and Harassment page](#)
- [MyGov.scot Stalking support page](#)
- [Support for LGBTI Survivors of Sexual Violence](#) (Rape Crisis Scotland)
- [Relate page on emotional abuse](#)
- [mygov.scot - Support for female victims](#)
- [mygov.scot - Support for male victims](#)
- [mygov.scot - Check a partner's history of abuse](#)

EQUALLY SAFE AT
WORK



Guidance for line managers on
violence against women and work

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Introduction

This guidance provides information for line managers on violence against women (VAW). It aims to build capacity and confidence in line managers on VAW which is a core part of meeting the standards of Equally Safe at Work. The guidance should be used alongside your organisation's policies on sexual harassment and on VAW that are also being developed as part of Equally Safe at Work. Your practice as a line manager should be guided by these policies and you should refer to them if you're unclear about any processes or procedures.

The guidance focuses on forms of VAW most likely to affect the workplace which includes domestic abuse, stalking, sexual harassment, rape and sexual assault, 'honour-based' abuse, and childhood sexual abuse. It provides information on what VAW is, how it relates to women's workplace equality, and sets out the business and economic cases for addressing VAW. It describes the impact of different forms of VAW on employees and the wider workplace; provides information on how to recognise signs of VAW; and outlines best practice for responding to, and supporting, employees disclosing or reporting VAW.

The guidance also gives examples of the simple steps you can take to ensure the safety and wellbeing of staff and minimise the impact on the workplace.

It's recognised that both men and women experience gender-based violence and there are both similarities and differences in the effects on the workplace. The focus of this guidance is women's experiences of VAW, as the vast majority of victim-survivors are women.

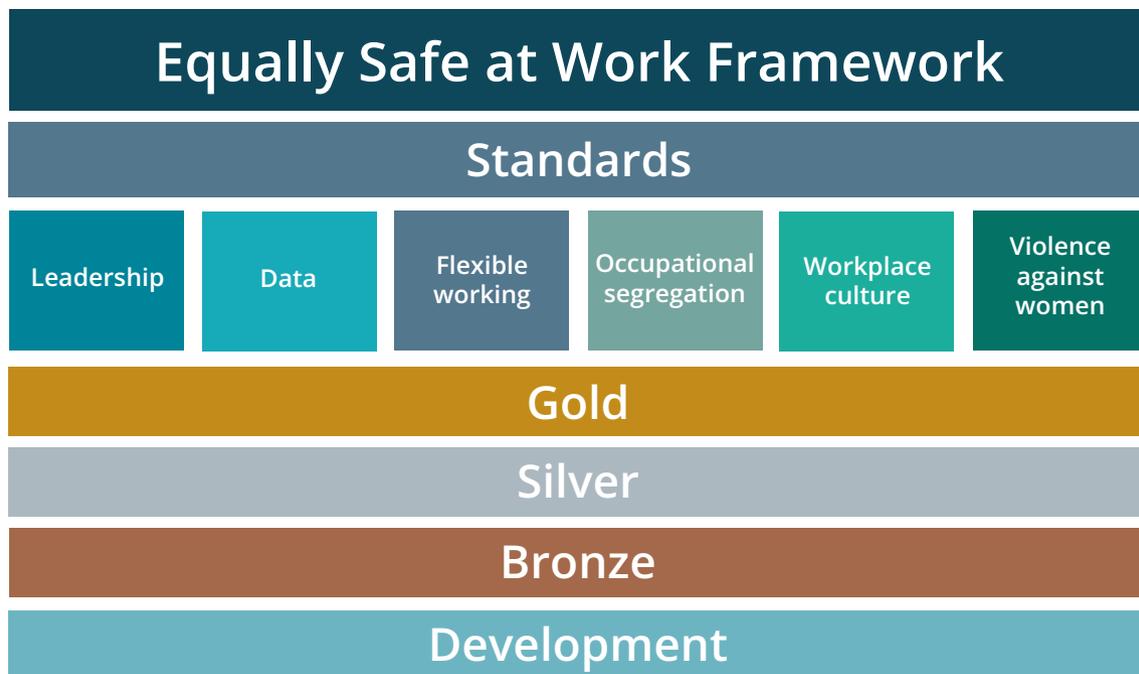
VAW and work: the numbers



Equally Safe at Work

Equally Safe at Work is an innovative and world-leading accreditation programme that supports the implementation of Equally Safe, the Scottish Government and COSLA joint strategy to prevent and eradicate violence against women and girls. Equally Safe recognises that violence against women and girls is a cause and consequence of gender inequality. Eliminating women's workplace inequality and other inequalities in society is therefore a fundamental step in preventing VAW. Equally Safe at Work uses the shortened 'violence against women' (VAW) because of its employment focus.

Equally Safe at Work supports employers to progress their work on gender equality at work and to prevent VAW both in the workplace, and in the wider community. Organisations work towards meeting criteria in six key standards: leadership, data, flexible working, workplace culture, occupational segregation, and VAW.



Activities to meet the criteria includes undertaking training, collecting and analysing data, developing initiatives, reviewing and updating policies and practices, and disseminating resources to key people.

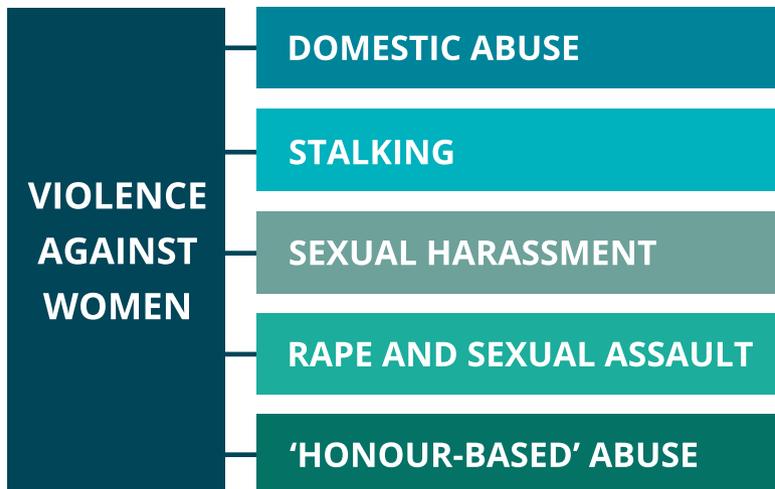
An integral part of Equally Safe at Work is building capacity in senior leaders and line managers. This is because senior leaders and line managers play a critical role in addressing negative workplace cultures, demonstrating commitment to equality, and making sure that staff have access to support. Ensuring that line managers understand the causes of VAW, and are confident responding to disclosures and reports, is essential to addressing VAW.

What is violence against women?

VAW is a violation of women's human rights and an enduring social problem that undermines workplaces and communities. The term VAW refers to violence and/or abusive behaviour that is predominantly carried out by men and directed at women because of their gender. This behaviour includes physical, emotional, psychological, sexual, and economic abuse, and stems from systemic and deep-rooted women's inequality. It's an abuse of power and privilege and can be used to control women. It affects women from all backgrounds irrespective of age, sexual orientation, race, education, culture, and socioeconomic status.

The term VAW includes, but is not limited to:

- Domestic abuse,
- Stalking,
- Sexual harassment,
- Rape and sexual assault, and
- So-called 'honour-based' abuse.



It's important to recognise that experiences of childhood sexual abuse and commercial sexual exploitation will also have long-term effects on victim-survivors. These forms of violence and abuse, along with those listed above, are grouped together by the term VAW to highlight that they are a cause and consequences of women's inequality.

Women's divergent experiences

Women's experiences of VAW vary depending on the intersecting inequalities they experience. Different groups of women may experience increased risk of violence and abuse due to the prejudice and structural barriers in society that cause inequality. Intersectionality means recognising that different forms of discrimination overlap and compound whether based on gender, race, age, disability, class, socioeconomic status, gender identity, sexual orientation, religion, or ethnicity.

It's important to understand that women are not a homogenous group and do not experience inequality in the same way. Women from marginalised communities experience multiple discriminations which intersect and combine to create different and increased levels of inequality, which impact their experiences of VAW. As well, when considering terminology, many women will identify with more than one term and feel less comfortable with others. Some will feel uncomfortable with any term.

Examples of women's divergent experiences of VAW:

- Disabled women are twice as likely to experience domestic abuse and sexual violence than non-disabled women¹.

¹ SafeLives (2017) *Disabled survivors too: Disabled people and domestic abuse*.

- Women with learning disabilities may be 10 to 12 times more likely to experience sexual assault than non-disabled women².
- Racism and discrimination create significant barriers for racially-minoritised women to report their experience or access support. These can include language barriers, immigration status, institutional racism, and cultural insensitivity.
- Racially-minoritised women worry that reporting VAW to their employer could damage their relationships with colleagues, with 1 in 6 women thinking it could make the situation worse³.
- Online harassment and abuse is more likely to have younger victim-survivors and younger perpetrators.
- Disabled women aged 18-34 are even more likely to experience sexual harassment with 8 in 10 reporting being harassed at work⁴.
- Older women are less likely to report their experiences of domestic abuse⁵.
- The abuse older women face is often mistakenly labelled as 'elderly abuse' rather than domestic abuse. This means they are less likely to access the specialised support they need.
- Lesbian, gay, and bisexual women can be vulnerable to abusers who threaten to out them to colleagues or employers, and family members.
- Trans women are vulnerable to abuse that is inflected by transphobia. They may also be reluctant to access support services or contact the police for fear they may be met with further victimisation, prejudice, or that they may not be understood.

² Scottish Commission for People with Learning Disabilities (2023) *Unequal, unheard, unjust: But not hidden anymore*.

³ TUC (2020) *BME women and work*.

⁴ TUC (2021) *Sexual harassment of disabled women in the workplace*.

⁵ Equality and Human Rights Commission (2011) *Domestic abuse and equality: Older women*.

Although VAW takes many forms and impacts different groups of women in a variety of ways, there are also many commonalities in experiences. It's important to create a supportive and responsive workplace culture for women to feel safe to disclose their experiences, and where an alleged perpetrator is also an employee they are managed in line with best practice.

Key things to know about VAW and work

1. VAW is violence and/or abusive behaviour and can involve physical, emotional, psychological, financial, economic, and sexual abuse.
2. It affects women from all backgrounds irrespective of age, sexuality, race, education, culture, and socioeconomic status.
3. VAW affects women in different and sometimes similar ways depending on the multiple inequalities they experience.
4. VAW is perpetrated at epidemic levels, with three million women in the UK affected each year.
5. VAW is usually not a one-off incident. It's often repeated and continuous behaviour that can occur over many years.
6. VAW has a long term and lasting effect on victim-survivors which can impact their daily lives including their experiences at work.
7. The trauma from VAW can result in anxiety, depression, isolation, stress, and fear.
8. Most women don't report VAW out fear of not being believed, fear of being judged, or believing nothing will change.

9. Some women find it difficult to identify their experience as VAW because certain behaviour has been normalised or ignored in the workplace culture.
10. VAW affects not only victim-survivors but can also impact their colleagues, the wider workplace, and ultimately the effective running of the organisation.
11. Gender inequality in the workplace and in all areas of society perpetuates and sustains VAW.

What does violence against women have to do with the workplace?

Preventing VAW requires action to address women's inequality in all areas of society. Women's labour market inequality is caused, and sustained, by wider gender inequality. Women's labour market and economic inequality reduces their financial independence, restricts their choices in employment, and creates a conducive context for VAW. Financial dependence and poverty can make it harder for women experiencing violence or abuse to move on and maintain employment. Also, debt is linked to violence against women, and is understood as a cause and consequence of domestic abuse⁶.

The gender pay gap is the key indicator of women's labour market inequality, and represents the divergent experiences men and women have not just in the workplace but also in education, training, care, and other domestic labour. While there are commonalities experienced by all women at work, disabled women, racially-minoritised women, women of faith, lesbian, gay and bisexual women, trans women, refugee women, young women, and older women experience different, multiple barriers to participation in the labour market, and to progression within their occupation.

Socioeconomic background also has an influence on women's labour market outcomes, with women from lower socioeconomic backgrounds less likely to be represented in higher-paid jobs, and more likely to be in lower-paid, stereotypically female work such as care and cleaning. This drives the higher level of female poverty which diminishes women's options in the face of violence and abuse.

⁶ Women's Budget Group (2021) *Household debt, gender and Covid-19*.

Gender norms and stereotyping about women's capabilities and interests result in a stark segregation in the types of work that men and women do. In the public sector and third sector, this means women are more likely to work in caring and support roles, admin, nursing, and early years and childcare, while men tend to work as porters, in IT, technical roles, or trades. A lack of quality part-time and flexible jobs, coupled with women's disproportionate responsibility for caring, finds women underrepresented in management and senior roles.

The business and economic cases for addressing violence against women

VAW can affect women's ability to do their job effectively. This can be because of stress, trauma, or physical injuries that can make it difficult to do their work as normal. An increase in unexplained lateness or absences can also be a sign that something is wrong. Victim-survivors often require to take time off work to seek help from specialist support agencies, attend doctor's appointments, or access legal support. Some women also leave their job as a result of the impact of VAW and may move to a new role that doesn't effectively utilise their skills. This represents a significant loss of female talent to employers, with many organisations missing out on women's skills and experience.

Impact on the workplace

VAW also affects people who are in the victim-survivor's life on a regular basis. This can include work colleagues, and the wider organisation. It can have an adverse impact on staff morale, as well as on the organisation's reputation. The impact on colleagues can include:

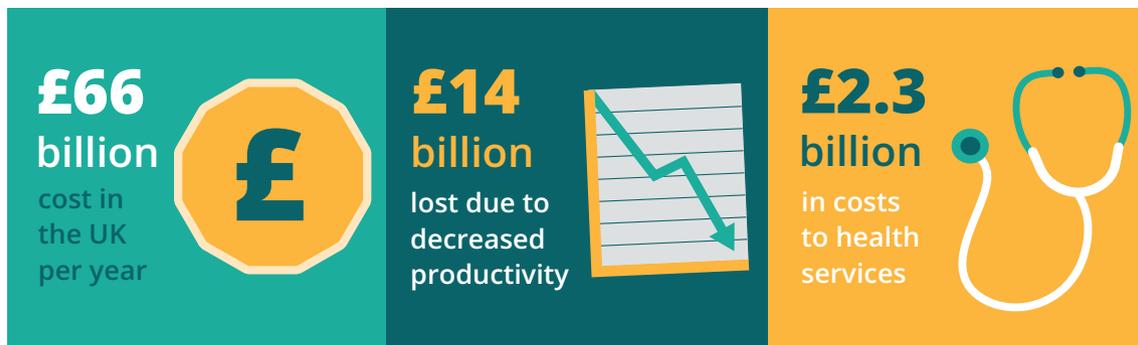
- Having to fill in for absent colleagues, or colleagues who are underperforming;
- Reduced productivity or being distracted from their own work;
- Increased stress or anxiety from being followed to or from work, or being subject to questioning by the perpetrator about the victim-survivor;
- Trying to protect the victim-survivor from attention, unwanted phone calls, or visits;
- Witnessing a form of VAW and feeling helpless and unsure about how to intervene to support a colleague;

- A negative impact on their own mental and emotional health, especially if they may also be experiencing abuse themselves; and
- Increased staff absence or turnover of key people.

The cost of violence against women

There are clear economic and business benefits in advancing gender equality and preventing VAW.

VAW in the UK is estimated to cost over £66 billion per year⁷, which includes an estimated £14 billion lost due to decreased productivity, administrative difficulties from unplanned time off, lost wages, and sick pay. It also includes £2.3 billion in costs to health services.



The cost of VAW includes a significant cost to public services, at a time when there is increasing downward pressure on public spending. Because of VAW and wider gender inequality, women are:

- More dependent on social security;
- More likely to need access to housing services in the face of violence and abuse;

⁷ Oliver, R., Alexander, B., Roe, S. & Wlasny, M. (2019) *The economic and social cost of domestic abuse: Research Report 107*.

- More likely to have a caring role for children, disabled people, sick people, or older people;
- Less likely to be financially independent; and
- More likely to be living in poverty, including in-work poverty.

Victim-survivors' dependence on public services has been exacerbated by Covid-19 and the cost of living crisis. Women, who comprise more than 90% of single parents, are increasingly reliant on food banks and resorting to higher levels of debt to buy essentials. They are also facing increased barriers in accessing vital financial services, as well as specialised support services and housing services. This combined with financial instability means that many victim-survivors are unable to leave abusive relationships.

It therefore makes good business sense for organisations to support victim-survivors in the workplace, and to take steps to address gender inequality at work and prevent VAW.

How violence against women affects victim-survivors and the workplace

VAW has a profound impact on women's capacity to work and victim-survivors are often targeted in and around the workplace. Women report experiencing trauma, stress, anxiety, and depression as a result of VAW and can struggle to find appropriate support in the workplace. VAW can also affect victim-survivors' capacity to work with men, particularly in situations where there is an existing gender or power imbalance. By understanding VAW and how it impacts employees, colleagues, and the wider workplace, you'll be better able to support your employees and ensure the organisation is not adversely affected. As a line manager, it's important that you understand the different forms of VAW and their effect on women, their colleagues, and the organisation.

Impact of trauma on victim-survivors

Evidence shows that increasing numbers of victim-survivors of VAW are living with trauma. Trauma refers to when an individual has experienced an event or series of events that was physically or emotionally harmful or life threatening. Trauma significantly affects the victim-survivor's ability to cope with or emotionally process what has happened. It can make it difficult for people to speak about their experience or seek support. Research shows that trauma causes depression, anxiety, panic attacks, and stress. Trauma can also impact a victim-survivor's relationships with other people, including their colleagues, often leaving them feeling isolated, disconnected, and untrusting.

It's important to be aware that if an employee is a victim-survivor, their trauma may make it difficult for them to be at work and do their job well. It may also make it difficult for them to feel comfortable or able to disclose what happened. It's important to make the victim-survivor feel safe and supported, as well as signposting them to specialist support organisations such as the local Women's Aid and Rape Crisis centre. By understanding how trauma impacts victim-survivors and their experience at work, you will be better able to implement effective support mechanisms.

Domestic abuse

One in four women in Scotland will experience domestic abuse in their lifetime. Domestic abuse is a pattern of controlling, coercive, threatening, degrading and/or violent behaviour, which can include sexual violence, by a partner or ex-partner. Whilst it's recognised that men experience domestic abuse, it's most commonly experienced by women, with male partners or ex-partners perpetrating the abuse. Domestic abuse also happens in same-sex relationships.

Research⁸ has highlighted that the key difference between women's and men's experience of domestic abuse in opposite-sex relationships relates to the level of fear and threat they're subjected to. For example, in some cases, male victim-survivors report that during periods of violence or abuse they weren't afraid for their lives, and they would leave their house or go to their car to wait until things calmed down. However, for women, the level of fear and threat is much higher, with many victim-survivors fearing that at any moment they may be seriously injured or even killed.

⁸ Pain, R. (2012) *Everyday Terrorism: How fear works in domestic abuse*.

Domestic abuse can impact women differently. For example, disabled women face an increased likelihood of domestic abuse and endure this for longer periods of time than non-disabled women, due to lack of availability of appropriate or accessible support⁹. Pregnancy can also be a trigger for domestic abuse and existing abuse may get worse during pregnancy or after giving birth.

Coercive control

Coercive control is a form of domestic abuse. It's a pattern of behaviour that seeks to take away the victim-survivor's freedom, and strip away their sense of self. Within coercive control, violence is often used alongside a range of other tactics including isolation, degradation, mind-games, and the micromanagement of everyday life. This may include monitoring movements, phone calls, dress, social activity, and other relationships. The perpetrator creates a world in which the victim-survivor is constantly monitored, criticised, and intimidated. Coercive control was legally recognised as a form of psychological abuse in the Domestic Abuse (Scotland) Act 2018.

The majority of women experiencing domestic abuse are also targeted at work. It can prevent women coming to work, performing well, and in some cases staying in their job. Perpetrators of domestic abuse often use a number of tactics to disrupt and sabotage women's employment including:

- Sending abusive and threatening phone calls, text messages, or emails to their personal phone while at work;
- Preventing them from going to work by locking them in, or by hiding their keys or purse;

⁹ SafeLives (2017) *Disabled survivors too: Disabled people and domestic abuse*.

- Interfering with and/or preventing them from working from home;
- Preventing them from accessing equipment they may need to work from home such as a laptop or phone;
- Controlling their finances to prevent them from paying transport costs or tampering with their car to prevent them from going to work;
- Following them into their workplace or waiting outside for them;
- Isolating them from their colleagues by not allowing them to attend social events, or insisting on attending with them;
- Verbal harassment, assault, or threats of assault when women leave to go to work;
- Destroying personal documents which may prevent them from applying for jobs;
- Preventing them from attending development or training courses;
- Sabotaging their work clothes;
- Offering to provide childcare and not turning up;
- Threatening to take the children if they go to work;
- For non-English speakers, preventing them from learning English which would enable them to work;
- Discouraging them from applying for promotion or positions where they would become the primary earner in the household; and
- Securing their own employment with the same employer to more closely monitor her activities and increase access to her whilst at work.

Stalking

Stalking is a persistent and unwanted pattern of behaviour which causes, or has the intention to cause, fear and alarm. It's a form of highly personalised, targeted surveillance underpinned by the communication of that surveillance to the victim-survivor.

Stalking is a common tactic used by perpetrators of domestic abuse, but can also be perpetrated by colleagues, neighbours, friends, acquaintances, and strangers. The emotional and psychological impact of stalking can result in increased fear, stress, and anxiety, and loss of safety or trust. Victim-survivors of stalking worry that it will impact their job because of unexplained or frequent absences to avoid their stalker.

Stalking can have a significant impact on the workplace because stalkers are able to pinpoint the location of their victim when they're at work. Tactics used by stalkers to disrupt women's employment can include:

- Preventing them from attending work by tampering with their car;
- Using workplace resources such as phones and email to threaten, harass, and abuse the victim-survivors;
- Watching or spying on them, or forcing contact with them through any means, including social media;
- Following victim-survivors to and from work;
- Sending unwanted gifts or flowers to their work; and
- Targeting their colleagues.

Case study: How stalking affects women at work

Reena is a shop assistant in a charity shop. She has noticed over the last few weeks that one customer has been visiting the store more frequently. Reena is friendly to all customers, and she has served a customer, Michael, multiple times. In a recent exchange, Michael made inappropriate comments about how she looked and asked for her number. Reena felt uncomfortable in this situation, so she politely declined his offer and excused herself saying that she was needed in the back to help with stock.

Michael continues to turn up weekly in the shop and passes by daily, where he waves at Reena. He has started to bring her small gifts and stays in the store for extended periods of time, trying to talk to her. He even waits for her after work. Her colleagues have said that he comes in on her days off asking where she is. Reena tells her line manager that she feels uncomfortable and stressed about when Michael will come in. The line manager says there's nothing they can do because he's a customer. Reena asks if she can be relocated to another store, even though it will double her commute time. She's also asked her colleagues not to share any information about her with Michael.

Sexual harassment

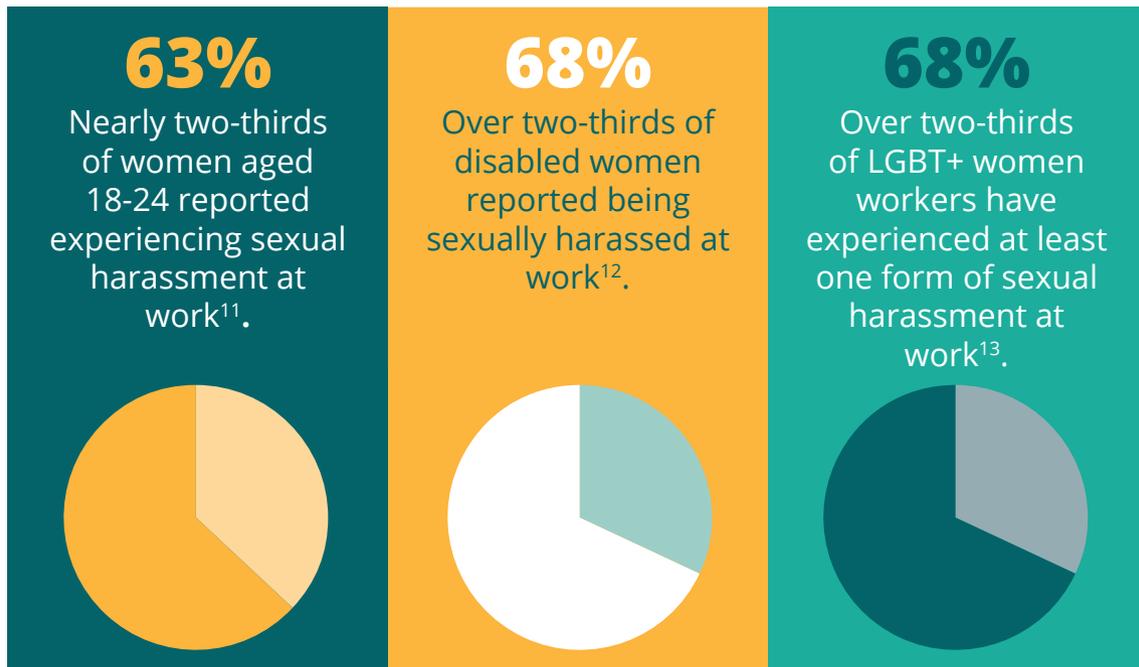
Sexual harassment is unwanted conduct of a sexual nature, which is intended to, or has the effect of, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment. Unwanted means the same as unwelcome or uninvited. It means unwanted by the person who is being sexually harassed and should be considered from the point of view of the victim-survivor. Even if there's no intention to cause distress, it can still have the effect of violating someone's dignity or creating an offensive environment.

Examples of sexual harassment include:

- Unwelcome physical contact, such as a hand on the knee or lower back or shoulder rubs;
- Sexual comments or jokes of a sexual nature;
- Unwelcome sexual advances;
- Receiving unwanted messages with material of a sexual nature by email or social media;

- Being forced to watch or listen to sexually graphic videos or audio;
- Sexual assault which could include unwanted touching of breasts, buttocks, or genitals, or attempts to kiss you;
- Promises in return for sexual favours;
- Displaying sexually graphic pictures;
- Feeling uncomfortable when alone with a male colleague; and
- Threats or intimidation.

Sexual harassment continues to occur at increasingly high levels in workplaces. Research¹⁰ found that 70% of women in Scotland had either experienced or witnessed sexual harassment. UK research also found that:



¹⁰ Zero Tolerance (2017) *Sexism is a waste: The need to tackle violence and misogyny in Scotland's workplaces*.

¹¹ TUC (2016) *Still just a bit of banter? Sexual harassment in the workplace in 2016*.

¹² TUC (2021) *Sexual harassment of disabled women in the workplace*.

¹³ TUC (2022) *Sexual harassment of LGBT people in the workplace*.

In a survey of nursing staff, three in five (60%) respondents had experienced sexual harassment. Of those, more than half (57%) said it was perpetrated by a patient, a quarter (25%) said it was by a doctor colleague, and just under a quarter (22%) said it was by another nurse. Of those who had been sexually harassed, the vast majority (73%) didn't report¹⁴. In research published in the *British Journal of Surgery*, 89% of women had witnessed sexual harassment, while 63% had been the target of sexual harassment. A further 30% has been the target of sexual assault. Women continue to be underrepresented as surgical consultants and as indicated by the survey, the sexist workplace culture may be a deterring factor for women¹⁵.

Women who have reported sexual harassment say that it had a negative impact on their mental health, making them less confident at work, and inducing them to avoid certain work situations in order to avoid the perpetrator. In cases where women did report, they were often left dissatisfied with the response which led to distrust in the reporting system. All of these effects and responses are likely to diminish their performance at work, and their propensity to apply for and be appointed to promoted posts. Some women have reported taking time off work or leaving their job completely. Sexual harassment therefore contributes to the glass ceiling, to women's subordinate role in the workplace, and to the gender pay gap.

Sexual harassment is under-reported because of fear of being blamed or not being believed, feeling embarrassed, and a lack of confidence in the complaints procedure. Most women don't report because they feel that their line manager wouldn't support them, it would damage their progression prospects, or it would lead to victimisation.

¹⁴ Unison and Nursing Times (2021) *Survey on sexual harassment against nurses*.

¹⁵ Begeny, C. et al (2023) Sexual harassment, sexual assault and rape by colleagues in the surgical workforce, and how women and men are living different realities: observational study using NHS population-derived weights. *BJS*, 110, pg, 1518-1526.

Women report that their experiences are routinely minimised by colleagues or dismissed as 'banter'. This is because of sexist workplace cultures which enable sexual harassment to go unchallenged, and undermines women in the workplace in more or less subtle ways.

Everyday sexism is visible in formal and informal interactions, and manifests in a number of ways in the workplace, for example:

- Women's contributions being valued less, for example, their ideas being dismissed in meetings, or their contributions being initially ignored, only to be repeated by a male colleague later and received positively.
- Women being assigned to fewer higher visibility projects despite having equivalent skills and experience to their male colleagues.
- Women being expected or asked to make the tea or take minutes, irrespective of their role.
- Sexist jokes and remarks dismissed as 'banter', including a preoccupation with a woman's physical appearance, including her clothes.
- The use of language which diminishes, infantilises or sexualises women, e.g. referring to colleagues as 'the girls', or calling a colleague 'darling' or 'love', which creates an environment where women feel they are seen as less valuable or held in contempt.
- Stereotypical expectations around the type of work or the position a woman, or man, would hold, for example, assuming a woman is a lower grade when she is a senior manager, or a man being assumed to be the manager of a team by a visitor from another department.
- Suggesting a female colleague only got a promotion because the hiring manager found her attractive, or implying she had slept with him.
- Referring to a female manager as 'bossy' while male managers are seen as assertive and strong.

- The, often unspoken, assumption that women will organise collection sheets, gifts, and nights out for colleagues.

Because of the normalised and everyday nature of these occurrences, it can feel very difficult for women to challenge sexism within the workplace which in turn makes it difficult to report sexual harassment.

Third party harassment

Third party harassment describes harassment that a worker receives from someone who is not employed by their organisation, for example, a customer, client, patient, business contact, visitor, community member, or non-directly employed staff including contractors or agency workers. Third party harassment can cover a range of behaviours, including inappropriate comments or touching, sexist jokes, or online harassment.

Any worker can experience third party harassment, but those who are in public facing roles, or interact with the public as part of their role are at much greater risk of experiencing this. It's important to note that the same sectors in which third party harassment is more likely to occur are retail, care, hospitality, and health services, which are also sectors that have majority female workforces. Further to this, these sectors are also typically associated with low pay and insecure contracts. Young women are more likely to experience third party harassment than older workers due to the types of role and industries they are overrepresented in, as well as the likelihood that this will be insecure work. Young women are also more likely to experience harassment because of the societal view that they are more available and desirable.

Case study: Experiences of third party sexual harassment in a homecare setting

A homecare worker reported to her line manager that one of her service users was sexually harassing her. She reported that he would make inappropriate comments about her and her body. He had also on several occasions touched her or attempted to touch her inappropriately. She informed her line manager that it made her feel uncomfortable. The line manager stated that since he was an older service user that he probably didn't know what he was doing and dismissed her disclosure. The homecare worker decided to report it to HR and was informed that their duty as an employer was to protect their employees from third party harassment. In addition, the line manager was contacted by HR and was required to attend training on sexual harassment. HR also provided guidance on best practice for responding to sexual harassment with the line manager.

Rape and sexual assault

Sexual violence, which includes rape and sexual assault, can be defined as any sexual act that takes place without consent. Research from the World Health Organisation found that one in three women worldwide have experienced rape or sexual assault in their lifetime. Rape and sexual assault are vastly underreported. In Scotland, one in five (20%) women aged over 16 reported experiences of sexual assault, but less than a quarter (22%) of all victim-survivors of rape reported it to the police¹⁶. The high numbers at which rape and sexual assault occur can be indicated by the extensive waitlists at local Rape Crisis centres around Scotland.

¹⁶ Scottish Government (2021) *Scottish Crime and Justice Survey 2019/20: Main findings*.



Experiences of rape and sexual assault can severely impact on the victim-survivor's life in various ways. Victim-survivors often take time off work to seek help from specialist support agencies, attend doctor's or counselling appointments, or access legal support. Women also report that they struggle to find appropriate support in the workplace due to a lack of understanding of their experience. This is because rape and sexual assault is not seen as a workplace issue. The following list outlines a number of ways in which women's experience of employment may be affected by rape and sexual assault including:

- Difficulties in holding down a job as a result of needing to take extended periods off because of emotional and physical impacts, or frequent shorter periods to attend other appointments;
- Low self-esteem and depression making it difficult to carry out normal duties or participate socially or professionally at work;
- Leaving a job they enjoy and value without being able to discuss what happened or why their performance dipped;
- Fear of disclosing at work and worry that people will treat them differently;
- Feeling afraid of being alone at work or having to leave work when it's dark outside;
- Difficulties working with male colleagues; and

- Trauma, anxiety, or panic attacks which can make it challenging to be in work situations which may involve groups of men or being alone with men.

So-called 'honour-based abuse'

So-called 'honour-based' abuse is a form of violence and abuse perpetrated to protect family and community honour. It stems from the belief that family and community honour is rooted in women's behaviour, appearance, and sexuality, and is to be guarded by men. It includes restricting women from doing certain things that are perceived as going against culture, family, community, and religion, and can involve physically and/or sexually harming a woman, forcing marriage and isolating them from friends and family. It can also involve controlling finances, preventing migrant women from learning English where they don't already speak it, restricting movement, and using their immigration status to threaten to send them away. In many cases of 'honour-based' abuse, victim-survivors have multiple perpetrators which can include partners, family members and members of the wider community. Women can be subject to 'honour-based' abuse for having a relationship or socialising with someone who the family and community disapprove of, becoming too 'western', refusing a forced marriage, or wearing make-up or certain clothing. Victim-survivors of 'honour-based' abuse are also policed by members of their wider community, particularly around socialising with people from different cultures.

A woman's behaviour is not only linked to the family's 'honour', but also her dowry price which can drastically decrease if it's perceived that she has not behaved in line with her family's and community's expectations. The concept of dowry is practiced in different ways by different communities and dowry-related abuse is often associated with the wider family. It occurs when a husband and his family believe the dowry to be inadequate, where the dowry has not been paid, or where the dowry has been devalued as a result of the woman's behaviour.

'Honour-based' abuse has similar effects as domestic abuse on women's experiences of the workplace. It can also affect women's experiences of work by:

- Being coerced into specific occupations;
- Being coerced into not going for a promotion because it's seen as inappropriate for a woman, or because they will be expected to interact with men;
- Shaming and judging a woman for wanting a job;
- Threatening to send a woman away or deport her unless she stops going to work; and
- Preventing women from applying for a job by restricting access to a language course.

Childhood sexual abuse

Victim-survivors of childhood sexual abuse have reported similar impacts as those who experience rape and sexual assault as an adult. In the context of the workplace, victim-survivors are employees who experienced childhood sexual abuse when they were under 16. It can have a lasting impact on victim-survivors, and may take longer for them to recognise what happened. They may not access support or feel comfortable discussing it with their line manager. Those who experienced childhood sexual abuse can suffer from long-term emotional and psychological effects as adults, that will shape their experience at work. The long-term effects include:

- Trauma,
- Lack of trust,
- An inability to develop meaningful relationships,
- Lack of self-confidence,
- Flashbacks, and
- Harmful coping strategies.

Commercial sexual exploitation

Commercial sexual exploitation (CSE) includes a wide range of sexual activities including prostitution, pornography, trafficking or sex tourism, and stripping or lap dancing. It's understood as activities whereby men typically profit from, or buy from, women, and which objectify or harm women. CSE legitimises negative attitudes towards women and is linked to gender inequality and sexual violence. In some cases, women participate in CSE as a result of coercion, a lack of alternatives, or out of necessity for survival.

In relation to the workplace, staff who have been involved in CSE may be living with trauma and may find certain scenarios triggering, such as working alone with male colleagues or in stressful situations. Victim-survivors may also find it difficult to access the support they need out of fear of judgement or shame.

Covid-19 and the impact on victim-survivors

As a result of the Covid-19 pandemic, significant changes have been made to many workplaces including increased homeworking, and a greater reliance on digital platforms for communications.

Covid-19 is seen to have had a worsening effect on all forms of VAW at a national and global level. During lockdown, long periods of isolation and social distancing intensified women's experiences of VAW. In cases of domestic abuse, many women were trapped inside with their perpetrator, with limited access to support and opportunities to leave. Perpetrators also interfered with and/or prevented women from doing their job. Similarly, for those experiencing 'honour-based' abuse, women were in unsafe situations with limited access to support.

In cases of stalking, perpetrators were able to easily locate where victim-

survivors were, as movement was limited. They may have tried to force contact with them or prevented them from going into work.

In cases of sexual harassment, with an increased reliance on communicating online perpetrators had new and increased access to women that wasn't available before. For example, the ability to send private messages or pictures constantly throughout the day. Perpetrators may use the ability to 'hide behind the screen' to threaten, intimidate, or harass their colleagues. This could include dressing inappropriately and/or being in an informal setting while on a video call, for example, on a bed.

Victim-survivors of rape and sexual assault reported increased trauma due to social distancing and isolation. Victim-survivors also had less access to critical support services and informal networks.

While many of the challenges victim-survivors faced during lockdown have been addressed, the continued high numbers of staff working from home means that women may still be targeted online or prevented from accessing support. It's important to be aware of how changes in working practice can impact women's experience of violence.

Commonalities in experiences

VAW has a long-lasting effect on the lives of victim-survivors. Although VAW takes many forms, and affects different groups of women in a variety of ways, there are also many commonalities in experiences. By developing VAW-sensitive employment practice and creating a positive workplace culture, you can create a supportive and responsive workplace for women to feel safe to disclose their experience and maintain their employment, including in managing incidences where the alleged perpetrator is also an employee.

Recognising the signs of violence against women

Victim-survivors usually don't disclose their experience to anyone at work out of fear of not being believed, being judged, being treated as a 'victim', or believing that nothing will change. They may feel embarrassed or humiliated and not want to share such personal details with their colleagues or their employer. This is due to the stigmatisation of VAW in society which can significantly undermine efforts in the workplace to support victim-survivors.

In situations where VAW was not perpetrated at work, for example if someone was raped or sexually assaulted outwith the workplace, they may think it's inappropriate to discuss it at work, even if it's affecting their work.

Knowing the signs of VAW is therefore important to ensure that you know how to effectively manage an employee and support them in their situation. It's also important to ensure that the impact on colleagues is minimised and that the organisation isn't adversely affected.

Signs around an employee's work performance

- Changes in the quality of their work for unexplained reasons, despite a previously strong record;
- Minimal participation or contribution in team meetings;
- Suddenly starting to miss deadlines;
- Declining professional development or training opportunities;
- Unresponsive in online chats, or constantly offline;

- Receiving repeated upsetting calls, texts, or emails; and
- Constantly checking their mobile phone.

Signs around an employee's attendance

- Being persistently late without explanation or needing to leave work early;
- Needing to leave work while it's still light out;
- Having more frequent, sporadic absences without explanation;
- Increased hours being worked for no apparent reason i.e. very early arrival at work and/or working late;
- Needing regular time off for appointments; and
- Their partner or family exerts an unusual amount of control and demand over their work schedule, for example, they may be dropped off and picked up from work or unable to attend business trips or events.

Signs around an employee's behaviour

- Avoiding lunch breaks or socialising at the end of the working day;
- Changes in their behaviour such as becoming quiet or avoiding speaking to colleagues;
- A loss of confidence and self-esteem;
- Avoiding or acting visibly uncomfortable around male colleagues;

- Isolating themselves from friends and family;
- Feeling depressed, anxious, or distracted, or having problems with concentration;
- Exhibiting fearful behaviour, such as being easily startled;
- Reluctance to speak on the phone or on video, or their partner is always visible in the background;
- Suddenly not using the video function where previously they did, without an explanation or an explanation that doesn't quite fit; and
- Nervousness or increased anxiety on video calls when their partner or family member comes into the room whilst you are speaking to them.

Signs around an employee's physical state

- Having repeated injuries and/or an explanation for injuries that doesn't fit the injuries they have;
- Frequent, sudden and/or unexpected medical problems and/or sickness absences;
- A change in the way they dress such as excessive clothing in summer, or being unkempt or dishevelled;
- A change in the amount of make-up worn;
- Fatigue or exhaustion;
- Increased physical tension;
- Panic attacks;

- Sleeping and/or eating disorders;
- Substance use and/or dependence; and
- Depression and/or suicide attempts.

Other signs that an employee could be experiencing a form of violence against women

- Flowers or gifts sent to them by their partner for no apparent reason;
- Seeming to have less money than previously;
- Lack of access to a computer or phone to be able to effectively work from home; and
- Being a victim of vandalism or threats.

Facilitating a conversation

Ongoing stigma around VAW means that most victim-survivors don't report it. It's more likely that line managers will become aware of a situation through noticing an increase in the number of absences they have, a change in behaviour, or a dip in work performance. Victim-survivors may not discuss their experience because they're not aware that support is available for them. Women often report that they wish that someone had asked them about it.

If you suspect that one of your team is affected by VAW, you should facilitate a conversation to discuss and identify appropriate support. It's important to be supportive and non-judgemental. There may be cases where you try to facilitate a conversation and the employee chooses not to disclose. If this happens, it's important to respect their decision.

It's important to be supportive and non-judgemental. Questions you can ask to start the conversation include:

- I've noticed that you're not yourself lately, is everything okay?
- Are there any problems or reasons that may be contributing to your frequent sickness absence and why you're missing deadlines?
- Is everything alright at home?
- Is everything alright at work?
- Is there anything happening at work that is concerning?
- What support do you think might help?

For male line managers, there may be hesitation or concern about starting a conversation for fear that it may be triggering for the victim-survivor. Also, victim-survivors may not feel comfortable disclosing to their line manager if

he's a man. It's important for line managers to build trust and create a safe, confidential environment to start a conversation. It's a good idea to ask open-ended questions and highlight the support that's available in the workplace. If you think your colleague is feeling uncomfortable, don't continue the conversation. You may want to share that there are different routes for accessing support, including HR or Gender-Based Violence Support Officers.

Responding to reports and/or disclosures

It's good practice to respond to disclosures in a non-judgemental and sensitive way. Some women may disclose to you without wanting to make a formal report to HR or the police. You may also be the first person that the victim-survivor has disclosed their experience to. The way you respond can affect whether they will access support, formally report their experience, or come forward again in the future. It's important that the victim-survivor feels believed and not blamed. As well, it's important that victim-survivors don't feel pressured to report to the police or engage with other services such as social work. In research on racially-minoritised women's experience of VAW, participants with children shared that they were reluctant to report or disclose out of fear that this may result in their children being taken away.

Victim-survivors report that their line manager seemed at times uncomfortable or unsure of what to say after they disclosed or reported. Some women have also reported that after disclosing or reporting their line manager either avoided the topic, assumed the issue was resolved, or made inappropriate jokes or comments.

Simple steps that you can take to respond effectively to a report or disclosure

- Listen to the staff member and take their disclosure seriously;
- Reassure them that you understand that it may be affecting their work performance and what can be done to support them;
- Reassure them that their disclosure will be treated confidentially;

- Respect and accept the employee's thoughts and ideas;
- Reassure them that their needs are a priority;
- Provide information about specialist support services, such as the local Women's Aid group, or Rape Crisis centre;
- Offer practical support, such as a risk assessment and/or safety planning, flexible working, special leave, employee assistance programme, or mental health support, as far as possible;
- Provide ongoing support to ensure their safety and wellbeing is monitored;
- Inform them of what the next steps are, including whether there will be an investigation or if they need to make a formal report; and
- Organise a time to check in in the future.

What not to say

No matter what the circumstances are, it's important to support the victim-survivor. Well-meaning comments and opinions intended to be supportive and sympathetic can sometimes have the opposite effect. This can result in a victim-survivor feeling not believed, judged, isolated, and reluctant to share further information.

In responding to a disclosure, you should consider the following guidance:

- Don't blame her for what happened;
- Avoid making comments about her emotional response to what happened, such as "You don't seem very upset about it" or "I thought you would've been angrier";
- Don't give advice to the staff member, for example, don't pressure her into leaving or going to the police;

- Don't minimise her experience or try to make her feel better by saying things such as "It's not that bad", "It could be worse", "Other people have had it much worse" or "At least he didn't hit you";
- Don't comment on the woman's behaviour in previous relationships; and
- Don't assume that she wants you to take action, she may just want to disclose what is happening and for you to listen.

Case study: responding to a disclosure

Lara is an administrator for a health board. She's only recently joined the organisation. Her manager, Simon, has noticed a change in her behaviour over the past few months. She's become more quiet and withdrawn from colleagues. When working from home, she often doesn't participate in online meetings or chat with colleagues. Simon raises his concerns in their monthly catch-up meeting and Lara discloses that their colleague Gary has been sexually harassing her. Lara said that she feels very uncomfortable and often dreads coming to work because she doesn't want to see Gary.

Simon says Gary's behaviour is unacceptable and that there are formal actions they can take and also small adjustments they can make in the office so she could avoid Gary. Simon also offers to speak to Gary about his behaviour or suggests that he can arrange training for the team on sexual harassment and appropriate behaviour at work. He also describes the different types of support available to Lara in the workplace. Lara says she's worried about reporting to HR. Simon offers to support her through the process. He also organises regular check-ins with her to discuss how she is.

Ensuring confidentiality

When a victim-survivor has disclosed or reported, it's good practice to be clear that the information they shared will be kept confidential. Line managers are responsible for ensuring privacy is protected and that all employees are aware of their responsibility in relation to confidentiality. It's very important that the disclosure or report is not discussed openly in the office to avoid stigmatisation or re-victimisation of the victim-survivor. Confidentiality is particularly important if the police have been involved and in smaller and rural communities, where there is a greater likelihood of people in a community knowing each other. Where the employee is also a service user, it's important that you don't use their service user information to inform employment issues, for example their MARAC assessment notes or score.

Record keeping

It's good practice to keep records of any disclosure or report of VAW. It's important that the disclosure or report is well recorded and is kept confidential. The records should be neutral and shouldn't include any additional commentary. It's possible that at some point the police may become involved and the record may be used to inform their investigation.

Policies and procedures

When a colleague discloses or reports VAW, it should be taken seriously in line with the organisation's definition of zero tolerance to VAW. If the employee doesn't want you to take any actions following a disclosure, it's important to respect their decision. However, you can still outline what support is available in the organisation.

Policies to support your approach

1. VAW or gender-based violence policy. This policy will have been developed as part of Equally Safe at Work.
2. Sexual harassment policy. This policy will have been developed as part of Equally Safe at Work and provides further details on the facilitators of sexual harassment and formal reporting procedures.
3. Equality and diversity policy. The policy will provide information on the Equality Act 2010, the organisation's commitment to equality, and the importance of progressing equality and diversity in the workplace.
4. Disciplinary procedure.
5. Sickness absence policy. This can be helpful for supporting victim-survivors in the workplace.
6. Flexible working policy. This policy can support women by providing flexibility to their working hours or pattern.
7. Special leave policy.
8. Employee assistance programme.

Support and safety

In responding to a disclosure or report of VAW, you should ensure the staff member is safe in the workplace and is receiving support, if they want it.

Risk assessment and safety planning

Risk assessments and safety planning are important mechanisms for responding to VAW. A risk assessment allows you to identify the level of risk a victim-survivor may be experiencing in the workplace. It can reduce the chance of continued abuse or violence and enables you to ensure that the risk to the victim-survivor, colleagues, and the organisation is minimised. A risk assessment should be completed with the victim-survivor as they will be most aware of their own risks. Following a risk assessment, it may be useful to implement a safety plan. A safety plan is a way to ensure the safety of victim-survivors in the workplace and to prevent further VAW from being perpetrated. A safety plan can include making small changes in the workplace to support victim-survivors and prevent further victimisation.

Domestic abuse, stalking, or 'honour-based' abuse

- Creating a plan for arriving to and leaving the workplace. This could include changing start and finishing times and using different entrances or exits.
- Agreeing with the employee what to tell colleagues and how they should respond if the perpetrator telephones or visits the workplace.
- Diverting phone calls and email messages to block the perpetrator from contacting the woman.

- Agreeing in advance when and who to contact if the victim-survivor does not come into work, for example, a friend, their family, a neighbour, or the police.
- Issuing instructions to all staff not to reveal the victim-survivor's personal details to anyone. For example, if a victim-survivor moves to a new house make sure that their new address is not shared with anyone.
- Ensuring that the employee doesn't work alone in isolated areas, wherever possible.
- Providing the victim-survivor with a panic button.
- Providing them with an escort to their car.
- Moving the victim-survivor out of public view, wherever possible.
- Alerting reception and security staff if the perpetrator is on work premises without authorisation.
- Having a list of local specialist support services that is easily accessible and signposts to appropriate organisations such as local Women's Aid groups.

Rape or sexual assault

- Agreeing that the employee can work flexibly, for example, leaving early to avoid traveling home in the dark.
- Changing work patterns or workload to help manage mental health problems.

- Providing an escort or asking a colleague to walk with them to their car or bus stop.
- Having a list of local specialist support services that's easily accessible and signposts to appropriate organisations such as Rape Crisis centres.
- Ensuring that the staff member doesn't work alone in isolated areas, or alone with male colleagues, wherever possible.

Sexual harassment, domestic abuse, stalking, rape and sexual assault, and 'honour-based' abuse where the perpetrator is also an employee

- Changing desk positions or office layouts to move the perpetrator away from the victim-survivor.
- Moving the perpetrator to a new location.
- Encouraging the employee to keep records of any incident in the workplace or any continued inappropriate behaviour.
- Ensuring that any personal information that is kept on the victim-survivor is not accessible to other staff members.

Case study: safety planning

Samira works in the finance department of an organisation and disclosed to her line manager, Mariam, that she is experiencing domestic abuse. She is planning on leaving her partner. He has been unpredictable and violent in the past when she tried to leave. He had previously turned up at her workplace when she wouldn't answer his phone calls. She's worried that if she tries to leave again he might show up at her work and become violent or harass her or her colleagues. Mariam said that the organisation is able to provide support while she leaves her partner and relocates to a new house with her children. Mariam asked what kind of support she needed. They talked about creating a plan to ensure Samira's safety at work, as well as getting to and from work. They agreed to change her working hours so her partner wouldn't know when she would be there. They also agreed that if Samira didn't arrive to work that a colleague would call her sister to let her know. The organisation offered special paid leave while she moves to a new house and registers her children at a new school. They also agreed that Mariam would tell the rest of the team not to share any of Samira's personal details so her partner wouldn't find out her new address. Mariam set out a time to check in again with Samira to see if they needed to change or amend any support she was receiving.

Ongoing support

Employees affected by VAW will require different types of support depending on their situation. Having a range of practical support that you can offer means you're more likely to meet their needs, which in turn will minimise the longer-term impact on the organisation. VAW can have lasting effects on victim-

survivors which stay with them long after the abuse or violence has ended. It's important to remember that victim-survivors may need different support at different times.

It's good practice to:

- Continue to check in with the victim-survivor;
- Review whether the victim-survivor needs different support;
- Update on the progress of any reports made;
- Provide an update on any changes made in the workplace as part of the risk assessment or safety plan; and
- If the victim-survivor is on leave, communicate with them about anything happening in the workplace as a result of their disclosure or report.

Support for line managers

Supporting a team member or colleague who has experienced VAW can be challenging. Reasons for this may include the emotional impact of supporting someone through a traumatic experience, it may be triggering for line managers who have their own experience of VAW, or increased stress or anxiety about not knowing the right thing to do. It's important to recognise when this may be affecting your experience and ability to provide support. It's good practice to think about the support that would help you, including talking to your own line manager, accessing the employee assistance programme, or contacting specialist support services.

Managing a perpetrator

When the perpetrator works in the same place as the victim-survivor, it's best practice to prioritise the needs of the victim-survivor and identify how best to support her through the process. It's important to support the victim-survivor once they have reported or disclosed to ensure they are not disadvantaged or unfairly treated. It also builds trust in the reporting process.

If the perpetrator is a member of staff you should take the report or disclosure seriously. The risk assessment you conduct with the victim-survivor should also identify if the perpetrator poses a risk to other colleagues and the wide workplace. This should then inform how you manage the perpetrator in the workplace. Ensuring the safety of your employees should be a priority. It's also important to remember that you have a duty of care to both the victim-survivor and perpetrator. If you are unsure of process or procedure when managing a perpetrator, you should refer to the organisation's policy on VAW.

Tips for responding to VAW

- | | |
|---|--|
| 1. If an employee is exhibiting signs that they may be affected VAW, it's good practice to start a conversation. | |
| 2. Be supportive and non-judgemental if one of your team discloses or reports an experience. | |
| 3. Work with the employee to identify their support needs and the simple changes that can be made in the workplace. | |
| 4. Identify whether other workplace policies could be used to support them. This could include identifying whether they would like to work flexibly, or adjust work hours, workload and/or work location, wherever necessary and possible. | |
| 5. Protect their confidentiality and communicate to them how you will do that. | |
| 6. Provide information on the reporting and investigation procedure and enable input if the victim-survivor wishes. | |
| 7. Organise regular meetings to check in and review their support needs. | |
| 8. Agree a safety plan with the employee which is in line with their needs. | |
| 9. Signpost staff to specialist support services such as the local Women's Aid group or Rape Crisis centre. | |
| 10. Prioritise the victim-survivor's needs when managing a perpetrator in the workplace. | |

Glossary

Coercive control

Coercive control is a pattern of behaviour that seeks to take away the victim-survivor's liberty or freedom, and strip away their sense of self. It's an act or a pattern of acts or behaviour that is used to harm, punish, or frighten their victim. It's used to maintain or regain control of a partner or ex-partner. Coercive control is recognised as a form of psychological abuse in the Domestic Abuse (Scotland) Act 2018.

Diversity

The recognition and valuing of difference, in its broadest sense. It's about creating a culture and practices that recognise, respect, value, and harness difference for the benefit of service users, members of the public and employees.

Domestic abuse

Domestic abuse can be perpetrated by partners or ex partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which

degrade and humiliate women and are perpetrated against their will, including rape), and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money, and other types of controlling behaviour such as isolation from family or friends).

Equality

Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities, and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs, and priorities of both women and men are taken into consideration - recognising the diversity of different groups of women and men.

Equal pay review

A process which looks at pay arrangements within an organisation to find, and address, gender discrimination. It involves comparing the pay of groups of workers who are doing equal work in the organisation and then investigating any gaps between men's and women's pay.

Equal value

As defined by the Equality Act 2010, an individual can claim equal pay with a comparator of the opposite sex where work is different, but which would be assessed as equal in value in terms of demands such as effort, skill, and decision-making.

Gender

Refers to roles, attitudes, values, and behaviours that men and women are encouraged to adopt by society. These characteristics can vary depending on the society around us. For example, historically, gender role stereotyping would suggest that women should look after children at home while men go to work in the formal labour market.

Gender-based violence

The 1993 United Nations Declaration on the Elimination of Violence Against Women states: 'Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to

their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It's men who predominantly carry out such violence, and women who are predominantly the victims of such violence. By referring to violence as 'gender based' this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'

Gender impact

This term describes the impact of policy and/or practice on either women or men. Many policies appear gender neutral; however, due to the reality of gender inequality, and the different shapes of women's and men's lives, they may have an unintended differential impact on women and men. The reason for examining this is to avoid developing policy which will perpetuate or

exacerbate gender inequality. The primary tool for identifying gender impact in your organisation is the equality impact assessment.

Gender mainstreaming

An approach to integrating gender considerations into all facets of work. It involves ensuring that a gender perspective and the goal of gender equality is central to all activities, whether policy development, research, advocacy, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects. It integrates a gendered awareness into each aspect of work, rather than considering gender separately.

Gender sensitive

This term describes approaches, policies, and practices which have been developed considering gender and do not have an unintended negative impact on women or gender equality as a result.

'Honour-based' abuse

So-called 'honour-based' abuse is a form of violence and abuse that is committed to protect family and

community 'honour'. It's the belief that family and community honour is rooted in women's behaviour, appearance, and sexuality, and is to be guarded by men.

Intersectionality

An intersectional approach recognises that that women are not a homogenous group and do not experience inequality in the same way. Different groups of women experience multiple intersecting inequalities and discriminations that overlap and combine to create different levels of inequality. For example, sexism, racism, and Islamophobia together shape racially-minoritised Muslim women's experiences of inequality and discrimination.

Occupational segregation

Refers to the clustering of men and women into different types of work (horizontal segregation) and different levels of work (vertical segregation).

Perpetrator

An individual who chooses to use abusive behaviours in order to assert power and control, usually to gain authority over their partner. Someone

who is currently, or has previously committed VAW.

Policy

An umbrella term for everything we do: legislation, strategies, services, and functions.

Rape and sexual assault

Rape and sexual assault can be defined as any behaviour of a sexual nature which is unwanted and that takes place without consent or understanding. Sexual assault covers other sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it's sexual.

Sexual harassment

Sexual harassment is 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.

Stalking

Stalking is persistent and unwanted attention that aims to curtail freedom. It's defined as two or more

incidents of behaviour directed towards a victim-survivor which cause physical or psychological harm, or fear for the safety of the victim-survivor.

Undervaluing

In economics, the undervaluation of 'women's work' means that there is evidence of lower returns to women's productive characteristics. In practical terms, this means that work which is typically done by women tends to be poorly valued and underpaid.

Violence against women

Violence against women is a violation of a women's human rights and an enduring social problem that undermines workplaces and communities. VAW encompasses (but is not limited to):

- physical, sexual, and psychological violence including domestic abuse, rape, and incest;
- sexual harassment, bullying, and intimidation in any public or private space, including work;
- commercial sexual exploitation, including prostitution, pornography, and trafficking;

- child sexual abuse, including familial sexual abuse, child sexual exploitation, and online abuse; and
- so called 'honour based' violence, including dowry related violence, female genital mutilation, forced and child marriages, and 'honour' crimes.

the terms used separately don't capture the experience of VAW or the external factors that affect women's ability to leave.

Violence against women-sensitive

This term describes approaches, policies and practices which consider the impact of VAW on women, and their experiences of employment, and have been developed with this consideration in mind. Taking this approach will enable employers to create a supportive and responsive workplace in which women to feel safe to disclose their experience and maintain their employment.

Victim-survivor

The term victim-survivor is used to capture that individuals experiencing VAW can be both victim and survivor. Victims are often portrayed as helpless, powerless, or passive in contrast to survivors who are active, heroic, and resourceful. However,

Support services in Scotland

Scottish Women's Aid

Scotland's lead domestic abuse organisation working towards preventing domestic abuse and supporting victim-survivors.

www.womensaid.scot

Domestic Abuse and Forced Marriage Helpline

Support for anyone experiencing domestic abuse or forced marriage, as well as their family members, friends, colleagues, and professionals who support them.

24hr service: 0800 027 1234

www.sdafmh.org.uk

Rape Crisis Scotland

Scotland's national rape crisis organisation providing helpline and email support for anyone affected by sexual violence.

**Helpline from 5pm-midnight:
08088 01 0302**

Text: 07537 410 027

www.rapecrisisscotland.org.uk

Scottish Women's Rights Centre

Free legal information and advice for women experiencing gender-based violence.

Freephone: 08088 010 789

www.scottishwomensrightscentre.org.uk

Shakti Women's Aid

Support and information for Black and minority ethnic women, children, and young people experiencing or who have experienced domestic abuse.

0131 475 2399

www.shaktiedinburgh.co.uk

Amina Muslim Women's Resource Centre

Culturally sensitive signposting and support service for Muslim and ethnic minority women. They also offer a service, Sahara, which provides support for women experiencing domestic or sexual abuse

Helpline from Mon-Fri 10am-4pm:

0808 801 0301

www.mwrc.org.uk

Sahara: 0141 212 8420 or

sahara@mwrc.org.uk

Hemat Gryffe Women's Aid

Support to Asian, Black and minority ethnic women, children, and young people.

Helpline (24hrs): 0141 353 0859
www.hematgryffe.org.uk

LGBT Helpline Scotland

Information and support for lesbian, gay, bisexual, and transgender people.

**Helpline on Tuesdays,
Wednesdays, Thursday
from 12-9pm and Sundays
from 1-6pm: 0800 464 7000**

Saheliya

Specialist mental health and well-being support for Black, minority ethnic, asylum seeker, refugee, and migrant women and girls in Edinburgh and Glasgow.

www.saheliya.co.uk

MeCopp

Minority Ethnic Carers of People Project that includes information on supporting minority ethnic people and on gypsy and traveller communities.

www.mecopp.org.uk

Feniks

Counselling support for adults from Polish and other Central Eastern European communities.

www.feniks.org.uk

Close the Gap works in Scotland on women's labour market participation. We work with policymakers, employers and unions to influence and enable action that will address the causes of women's inequality at work.

Close the Gap
166 Buchanan Street
Glasgow
G1 2LW
+44 (0)141 572 4730

www.equallysafeatwork.scot

info@closethegap.org.uk
www.closethegap.org.uk

 @closethepaygap

 Close the Gap



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Key messages for line managers responding to disclosures or reports of rape and sexual assault

What you can do

- 1.** Build an understanding of how rape and sexual assault can affect women and the workplace. This will enable you to better support victim-survivors and understand how it impacts their experience at work.
- 2.** Women may not say what's happening because they don't know how to report, or what support is available. If you suspect one of your team has experienced rape or sexual assault, you should start a conversation.
- 3.** Familiarise yourself with the signs that someone may have experienced rape or sexual assault. For example, a change in the quality of their work, or a change in behaviour.
- 4.** When starting a conversation, ensure you have a quiet and confidential space. You should create a safe environment by being open about the conversation without any form of judgement.
- 5.** If an employee chooses not to disclose or report, it's important to respect their decision.
- 6.** As a line manager, you may feel uncomfortable or worried about saying the wrong thing. The most important things you can do are to listen to the person, let them know that you believe them, and take their disclosure seriously.
- 7.** If a victim-survivor wants to make a formal complaint, it's good practice to provide information on the different ways to report, and as well outline what support is available in the workplace. You should also provide information about reporting to the police and reassure them that victimisation is not tolerated.
- 8.** If a victim-survivor doesn't want to formally report, it's good practice to keep a confidential record of the conversation, outline what support is available in the workplace and identify a time to check-in.

EQUALLY SAFE AT
WORK

9. In the workplace, rape and sexual assault may be considered a form a sexual harassment. It's important to familiarise yourself with the relevant policies and processes.
10. Risk assessments are an integral tool in preventing sexual harassment but also when responding to formal complaints or disclosures of rape and sexual assault. The Equality and Human Rights Commission advises undertaking risk assessments to ensure compliance with the preventative duty in the Worker Protection Act 2023.
11. It's good practice to work with the victim-survivor to identify their support needs. This may include access to flexible working, reducing their workload or offering special leave.
12. Have a list of local specialist support services that's easily accessible and signpost to appropriate organisations such as Rape Crisis centres, the Rape Crisis Scotland national helpline, Scottish Women's Rights Centre, the local Women's Aid group and SARCS.

What you need to know about rape and sexual assault

13. Rape and sexual assault are any behaviour of a sexual nature which is unwanted and that takes place without consent.
14. As the majority of victim-survivors are women, it's understood to be a consequence of gender inequality which creates harmful power imbalances.
15. Women from all backgrounds are affected by rape and sexual assault, irrespective of age, sexual orientation, ethnicity, disability, education level, culture and socioeconomic demographic.
16. A victim-survivor is never to blame for being raped or sexually assaulted.
17. Most victim-survivors will not report for fear of being judged or not believed.
18. The trauma from rape and sexual assault can result in anxiety, depression, isolation, stress and fear.
19. Rape and sexual assault can have long term effects on victim-survivors, but the effects can differ depending on the person and the support they have.
20. Some victim-survivors find it difficult to recognise they have been raped or sexually assaulted, particularly if it happened in a relationship.



Equally Safe at Work is delivered by Close the Gap, Scotland's expert policy advocacy organisation working on women's labour market participation.

Close the Gap www.closesthegap.org.uk



Line managers' guidance on rape and sexual assault : Best practice for supporting victim-survivors

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1. Introduction

Violence against women (VAW) is not often seen as a workplace issue and, in cases of rape and sexual assault, the experience of victim-survivors and how this impacts their work is rarely understood. Rape and sexual assault can have a significant impact on organisations. It can be perpetrated by colleagues both in and outside of work, but as well, experiences of rape and sexual assault unrelated to the workplace can impact women's experiences at work. It's therefore good practice for employers and line managers to understand how to support victim-survivors and also to understand what organisations can do to prevent VAW from happening in the first place.

Rape and sexual assault are forms of VAW and a cause and consequence of wider gender inequality. Both men and women can experience rape and sexual assault, however, women are disproportionately affected, and it's usually perpetrated by men. This guidance provides information on what rape and sexual assault is and why women are reluctant to report. It provides information on how to recognise the signs an employee has been raped or sexually assaulted, how to start a conversation, and best practice for responding to a disclosure or report.

This guidance was informed by Rape Crisis Scotland's Survivor Reference Group. Thank you to the women who shared their experiences with Close the Gap.

Legal disclaimer

While every effort has been made to ensure that the explanations around employer liability in responding to rape and sexual assault are accurate, only legal professionals can give authoritative interpretations of the law.

How to use this guidance

This guidance is designed to provide line managers with practical information on how to support victim-survivors in the workplace and how to respond to reports or disclosures of rape and sexual assault. It mentions aspects of employment law, but it does not provide legal advice. If you have questions or concerns about employment law related to rape and sexual assault in the workplace, you should seek legal support within your organisation.

This guidance is part of a wider learning resource on VAW and should be used alongside the organisation's VAW (or gender-based violence) policy and sexual harassment policy. Your practice as a line manager should be guided by these policies. If you're unsure about what to do, you should contact your organisation's HR department. For smaller organisations which may not have an HR department, you may want to contact a senior leader in your organisation who can advise on best practice.

On page 32 you'll see how this guidance links to other policies in your organisation.



2. Equally Safe at Work

Equally Safe at Work is an innovative and world-leading accreditation programme. It supports the implementation of Equally Safe, the Scottish Government and COSLA joint strategy to prevent and eradicate violence against women and girls. Equally Safe recognises that violence against women and girls is a cause and consequence of gender inequality. Eliminating women's workplace inequality and other inequalities in society is therefore a fundamental step in preventing VAW. Equally Safe at Work uses the shortened abbreviation VAW because of its employment focus.

Equally Safe at Work supports employers to progress their work on gender equality at work and to prevent VAW both in the workplace, and in the wider community. Actions to meet the criteria includes undertaking training and capacity building, collecting and analysing data, developing initiatives, reviewing and updating policies and practices, and disseminating resources to key people.

An integral part of Equally Safe at Work is increasing capacity in line managers to respond effectively to reports of VAW, including rape and sexual assault, and build an understanding of how to support employees affected.

3. What is rape and sexual assault?

Rape and sexual assault can be understood as any behaviour of a sexual nature which is unwanted and that takes place without consent¹. Sexual assault is a broad term covering any form of sexual violence, ranging from unwanted touching or kissing to being forced to perform sexual acts. In a workplace context, sexual assault is also considered a form of sexual harassment and further detail on this is provided on page 12.

Rape and sexual assault can happen to anyone, regardless of age, sexual orientation, race, education, disability, culture and socioeconomic demographic. It can occur once or more than once throughout a person's life, and be carried out by partners, friends, family members, strangers, colleagues, neighbours, acquaintances or groups of perpetrators.

Rape and sexual assault can affect anyone but disproportionately impacts women. It's important to understand that women are not a homogenous group and that victim-survivors will have different experiences because of the multiple intersecting inequalities they experience. Disabled women, racially minoritised women, refugee and asylum-seeking women, lesbian, gay, bisexual and trans (LGBT) women, younger and older women experience different, multiple forms of discrimination which impact their ability to report and receive support. For instance, disabled women have stated that they are hesitant to report for fear of not being believed because of the misconception that disabled women, because of their disability, would not be targeted by a perpetrator. Research² highlights that one in eight LGBT women experience sexual assault and rape and this number increased when looking specifically at trans women experiences, with one third of respondents reporting sexual assault, and almost a quarter reporting rape. Racially minoritised women's experience of racism and discrimination creates barriers to reporting and engaging with the justice system, and in accessing appropriate and effective support services³.

¹ The legal definition of rape is penetration of the vagina, anus or mouth by the penis without consent.

² TUC (2019) *Sexual harassment of LGBT people in the workplace*

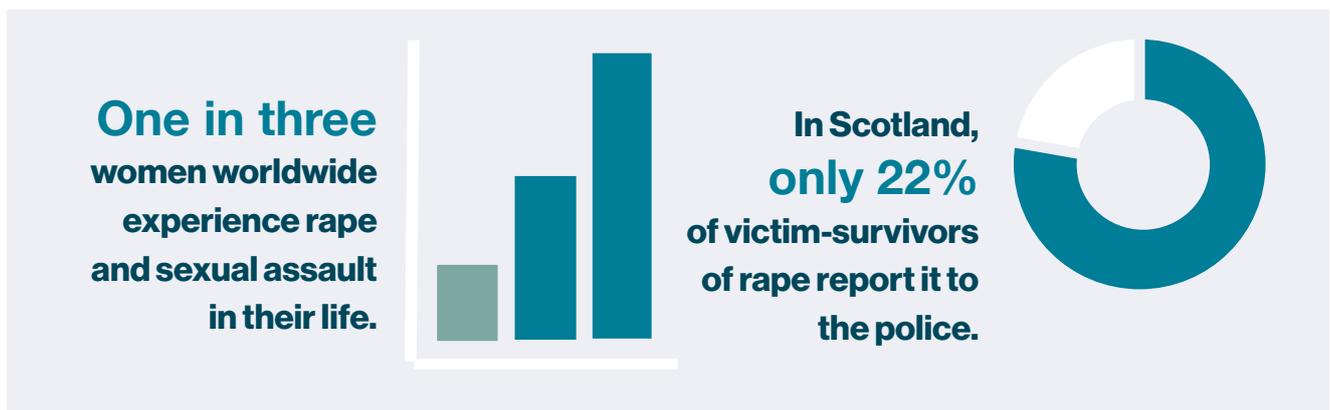
³ Rape Crisis Scotland (2023) *Delivering sexual violence support services that work for survivors of colour*

Prevalence of rape and sexual assault

Research⁴ from the World Health Organization indicates that one in three women worldwide have experienced rape and sexual assault in their lifetime. In Scotland, similar to most forms of VAW, rape and sexual assault is significantly underreported. Only 22% of victim-survivors of rape reported it to the police⁵. It's important to note that Rape Crisis centres have extensive waitlists of victim-survivors seeking support. At the end of 2023, there were over 800 victim-survivors on waitlists across Scotland⁶, with some centres having to close those waitlists due to lack of capacity to meet demand. Additionally, many of those victim-survivors never formally report to the police.

Research on staff experiences of sexual harassment, sexual assault and rape occurring at work in surgical teams in NHS England found that 39% of respondents had been sexually assaulted at work, and 4% had been raped in the last five years⁷. Similar research undertaken by doctor-led campaigning group, Surviving in Scrubs, looking across medical specialities found that around a fifth (21%) of respondents had experienced sexual assault, and 2% had been raped by a colleague⁸.

The numbers of women being sexually assaulted or raped continues to be high across Scotland and further work is required to improve reporting mechanisms and access to support. Equally important is addressing gender inequality in our wider society, including in the workplace, to effectively prevent and eradicate VAW.



⁴ World Health Organization (2024) *Violence against women: Factsheet*

⁵ Scottish Government, *Scottish Crime and Justice Survey, 2019-2020: Scottish Crime and Justice Survey 2019/20 - gov.scot* (www.gov.scot)

⁶ Statistics from Rape Crisis Scotland 2023 campaign, *Survivors Can't Wait*

⁷ Begeny, C. et al. (2023) Sexual harassment, sexual assault and rape by colleagues in the surgical workforce, and how women and men are living different realities: observational study using NHS population-derived weights. *British Journal of Surgery*, 110. Pg 1518-1526

⁸ Surviving in Scrubs (2022) *Surviving healthcare: Sexism and sexual violence in the healthcare*

4. How rape and sexual assault affect women



Rape and sexual assault can cause lasting harm to someone's mental, emotional and physical health. It can impact women in different ways, but one of the most common affects is trauma, or post-traumatic stress disorder. Trauma refers to when an individual has experienced an event or series of events that were physically or emotionally harmful or life-threatening. It can make it difficult for people to speak about their experience or seek support. Research shows that trauma can cause depression, anxiety, panic attacks, and stress. Trauma can also impact the victim-survivor's relationships with other people, including their friends, family or colleagues, or partners, often leaving them feeling isolated, disconnected and untrusting.

Trauma can significantly affect a victim-survivor's ability to cope or emotionally process what has happened. Not every victim-survivor will have the same experience, and they also won't all respond in the same way. It's important to recognise that women's experiences will vary, but there are a number of commonalities in experience, which may include:

- Intrusive or unwanted thoughts or feelings;
- Low mood, feeling numb or upset, or being irritable;
- Suicidal thoughts or feelings;
- Panic attacks and anxiety;
- Feeling sick, sweating or shaking;
- Aches, tension or pain in parts of the body;
- Alcohol or drug misuse;
- Self-harm or thoughts of self-harm;
- Low self-esteem;
- Guilt and self-blame;
- Avoiding certain places or things that remind them of the traumatic event;
- Becoming withdrawn and isolated; and
- Flashbacks and vivid memories of the traumatic event.

For some victim-survivors, they may experience trauma symptoms soon after the event, while others might not experience this until much later. As a result, many victim-survivors of rape and sexual assault don't seek support or access services for a long time. Some may try to block out what happened as a way to cope with the painful feelings and this is often done subconsciously. Others may try to forget, or also avoid places and people. This doesn't mean they aren't affected by what happened, but that it's too difficult to process or acknowledge.

Many victim-survivors find that there are times when they feel more affected by trauma, which can happen if they experience something else that's stressful, upsetting or reminds them of the traumatic event. For example, during Covid-19, many victim-survivors reported experiencing intensified symptoms of trauma due to isolation and social distancing.

The symptoms of trauma can also be brought on by 'triggers', which are things that remind the victim-survivor of what happened. For example, it can be something that someone says, or a certain place. Triggers might cause someone to experience a trauma response, like flashbacks or panic attacks. What will be a trigger cannot be predicted and the way it affects victim-survivors cannot be controlled. Triggers will be different for different victim-survivors, and some may not have any triggers.

Rape and sexual assault can also have physical effects on victim-survivors, such as injuries, sexually transmitted infections or unwanted pregnancies.



Being raped is like being involved in a horrific car crash with brain damage: you have traumas and injuries that don't allow you to function properly. Your body and your brain need rest, your trauma is deep and important. But when a woman is raped, she'll never be allowed to have as much time as someone involved in a car accident to recover, even though the trauma doesn't allow us to function normally.



Participant in the Rape Crisis Scotland's Survivor Reference Group.

The impact of child sexual abuse

Adult victim-survivors of child sexual abuse have reported similar impacts as those who experience rape and sexual assault. It can have a lasting effect on victim-survivors, and may take longer for them to recognise what happened. Those who experienced child sexual abuse can suffer from long-term emotional and psychological effects as adults, which can shape their experiences at work. The long-term effects can include:

- Trauma;
- Lack of trust;
- An inability to develop meaningful relationships;
- Lack of self-confidence;
- Flashbacks; and
- Harmful coping strategies.

Understanding the impact rape and sexual assault can have on a victim-survivor is an important step in providing effective support and understanding their experience at work. For example, the emotional, mental and physical impacts can affect women's ability to do their job effectively. As a line manager, familiarising yourself with the impacts of trauma ensures that you take a trauma informed approach⁹ to supporting any colleagues.

⁹ The National Trauma Transformation Programme from the Scottish Government, COSLA, and NES has developed a roadmap for organisations and workforces on how develop and deliver trauma informed practice. Further details can be found on their website: <https://www.traumatransformation.scot/implementation/>

The 'fight, flight, or freeze' response

The fight, flight, or freeze response refer to the body's automatic reaction to fear and traumatic events. These responses are immediate and instinctive. Victim-survivors often feel guilt or shame for how they responded, which can negatively impact their wellbeing. Knowing that there are different responses is important for better understanding the effect on women and also considering the support they might need.



Fight response refers to when people resist, physically or verbally, either through pushing, yelling or struggling. It's often harmfully assumed that victim-survivors will fight in response to rape or sexual assault. This wrongly assumes that rape or sexual assault can be prevented by the victim-survivor.

Flight response includes running or fleeing the situation or trying to create distance from the danger.

The freeze response, which is becoming more well-known, refers to when someone is unable to react, move, escape or fight back. Freeze can be compared to a shock response, in which the body and brain panic in response to danger and shut down. Freezing is often compared to 'playing dead' and is one of the most common reaction to rape and sexual assault.

Key facts you need to know about rape and sexual assault

- Rape and sexual assault are any behaviours of a sexual nature which are unwanted and that takes place without consent.
- As the majority of victim-survivors are women, it's understood to be a consequence of gender inequality which creates harmful power imbalances.
- Women from all backgrounds are affected, irrespective of age, sexual orientation, ethnicity, disability, education level, culture and socioeconomic demographic.
- A victim-survivor is never to blame for being raped or sexually assaulted.
- Most victim-survivors will not report for fear of being judged or not believed.
- The trauma from rape and sexual assault can result in anxiety, depression, isolation, stress and fear.
- Rape and sexual assault can have long term effects on victim-survivors, but the effects can differ depending on the person and the support they have.
- Some victim-survivors find it difficult to recognise they have been raped or sexually assaulted, particularly if it happened in a relationship.



5. The impact of rape and sexual assault on women in the workplace

While not everyone who has been raped or sexual assaulted is affected in the same way, it can have a profound effect on a woman's ability to work. Many victim-survivors have shared that they felt there wasn't any support available at work or anyone they could speak to.

There are many ways in which the trauma of rape and sexual assault can affect women in the workplace, and consideration should be given to whether it occurred outwith or in connection to the workplace. Therefore, it's important to consider if:

- It occurred outwith the workplace and was perpetrated by someone who is not connected to the organisation. The trauma of this may impact the victim-survivor's ability to do their job. Rape and sexual assault doesn't have to occur at the workplace or be perpetrated by a colleague for it to affect a victim-survivor's work.
- It's directly connected to the workplace. This means it occurred in the workplace, or was perpetrated by a colleague, service user or client, either in the workplace or outwith the work environment. Incidents that occur at staff parties, after-work socialising, conferences and training courses are still considered to be part of the workplace.

If rape or sexual assault has occurred at work, your approach as a line manager will need to take into consideration how to keep the victim-survivor safe and how to effectively manage the perpetrator. Further information on good practice is outlined later in the guidance.



After what happened to me, I was so exhausted from the trauma and the fear and the pain that being able to get up in the morning required too much. Being able to function normally at work can be near impossible for survivors, and yet, my employers were annoyed when I asked for a week of annual leave. It made me feel ashamed to ask, and I felt so alone.



Participant in the Rape Crisis Scotland's Survivor Reference Group.

Victim-survivors may require time off work to seek help from specialist support agencies, attend doctor's or counselling appointments or access legal support. The following list outlines a number of ways in which women's experiences of employment may be affected by rape and sexual assault:

- Low self-esteem and depression, making it difficult to carry out normal work or participate socially or professionally at work;
- Leaving a job they enjoy and value without being able to discuss what happened or why their performance dropped;
- Fear of disclosing at work and worry that people will treat them differently;
- Feeling threatened, harassed, and unsafe;
- A fear of being alone at work or having to leave work when it's dark outside; and
- Experiencing trauma, anxiety or panic attacks which make it challenging to be in work situations which may involve groups of men or being alone with men.

Policies and processes: sexual harassment and sexual assault

Within the workplace, there is a significant overlap in how sexual harassment and rape and sexual assault are addressed. In many cases, sexual assault may fall under sexual harassment policies and processes. This is because sexual harassment is defined as unwanted conduct of a sexual nature which has the purpose or the effect of violating the person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Unwanted behaviour includes physical, verbal and non-verbal conduct, including physical violence such as sexual assault and rape. Therefore, an incident that occurs at work, may be considered sexual harassment. This means the victim-survivor could raise a grievance, which may lead to a disciplinary procedure and could result in a dismissal.

It's also important to note that sexual assault and rape constitute serious crimes, and therefore the manager or investigator should provide information to the victim-survivor on how to report to the police. However, you should bear in mind that victim-survivors experience many barriers in reporting to the police, so it should be their choice whether or not to report.

6. Barriers to disclosing and reporting



Reporting or disclosing rape or sexual assault should always be a personal decision. Victim-survivors often don't disclose to anyone for many years, and some may never disclose. This is because rape and sexual assault can cause feelings of shame and guilt which can inhibit victim-survivors from wanting to discuss it with friends or family, or reporting to the police.

For some victim-survivors, it might also take time to realise or identify their experience as rape or sexual assault. Lack of understanding of and misconceptions about sexual violence can make it difficult for victim-survivors to label their experience as rape or sexual assault.

Women have reported the following as barriers to disclosing or reporting:

- Feelings of shame, guilt and embarrassment;
- Fear of repercussions from the perpetrators;
- Fear of not being believed;
- Fear of being blamed;
- Worry about being retraumatised from having to retell their experience over and over again;
- Not wanting family members, friends or colleagues to know, be involved or prosecuted;
- Distrust of reporting, complaints procedures or the criminal justice system; and
- Being unaware of what support is available.

Blame culture

Research from the Scottish Social Attitudes Survey found that one in 12 people (8%), think that women often lie about being raped¹⁰. In reality, the rate of false allegations is no higher for rape than for other crimes¹¹. Blame culture or victim-blaming in response to rape and sexual assault occurs when people look to the victim-survivor to find a reason to explain what happened. People might question the victim-survivor on their behaviour, whereabouts, or the way they were dressed. Asking victim-survivors why they didn't run away from the situation or fight the perpetrator is also a key feature of blame culture. Disbelieving or blaming victim-survivors can exacerbate feelings of shame and guilt and makes it more difficult for that person to come forward and report the assault. On a societal level, it means fewer crimes are reported and fewer perpetrators are prosecuted. As a result, the low numbers of reports and prosecutions reinforces to victim-survivors that they will not be believed, or that their case will not be taken seriously.



Victim-blaming can look like:

- 'She must have sent mixed signals.'
- 'What was she wearing?'
- 'How many drinks did she have?'
- 'How hard did she try to stop it?'
- 'Why didn't she come forward sooner?'
- 'She shouldn't have been in that meeting room alone with him if she knew what was going to happen.'
- 'She was always too friendly with everyone.'

Because victim-blaming is widespread, it can shape workplace culture and create barriers for victim-survivors seeking support. As a line manager, it's important to be aware of what victim-blaming looks like. Creating a non-judgemental space for victim-survivors to come forward and believing their report or disclosure are integral steps for ensuring that you're providing appropriate and effective support.

¹⁰ Scottish Social Attitudes Survey (2019) *Attitudes to violence against women in Scotland*

¹¹ Rape Crisis Scotland (2013) *False allegations of rape: Briefing paper*

In the workplace, women face similar barriers to disclosing or reporting, also known as putting forward a complaint. As highlighted earlier, rape and sexual assault can impact women's experience at work and many victim-survivors have shared that they wish they could tell someone at work so they could understand why they were struggling to do their work. Also, in cases where rape and sexual assault has happened in the workplace or the perpetrator is a colleague, victim-survivors may find it hard to come forward to disclose or report for a variety of reasons. Reasons for this include:

- Unclear information on who to talk to or how to report;
- Lack of information on support that's available and how to access it;
- Fear of being accused of initiating sexual relations to advance in their careers;
- Fear of being blamed of making a false accusation;
- Fear of losing their jobs or it affecting their progression opportunities, especially if the perpetrator is more senior;
- Fear of their colleagues treating them differently once they know about the abuse; and
- Fear of the perpetrator.

Formally reporting, the law and victimisation

For rape and sexual assault that has occurred in the workplace, there are a variety of factors that would influence a victim-survivor's decision on whether or not to come forward. This could include the legal implications of reporting. For example, they may worry that they'll need to report to the police for any action to be taken, and they may worry about victimisation by their employer. In employment law, victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint, including sexual harassment.

Many of the employer liabilities for rape and sexual assault, as a form of sexual harassment or as a sexual offence, fall under the responsibility of senior leaders and HR. However, as a line manager it's good practice to understand both employer liability and victimisation. This will help inform your approach for supporting an employee and ensuring victimisation does not happen after a victim-survivor has reported.

Fear of victimisation is often a serious barrier for women reporting rape and sexual assault. It can occur when an employee is treated poorly because it's believed that they made a complaint, even if they haven't. It's important for employers to recognise the role that fear of victimisation plays in relation to how they approach and deal with rape and sexual assault cases in the workplace.

7. Recognising the signs



Employers are central to creating a supportive and responsive workplace culture where women feel safe to report or disclose their experience and stay in employment. However, victim-survivors may be reluctant to report if the perpetrator is a colleague, due to fear of not being believed or thinking nothing will change. In situations where rape or sexual assault was perpetrated outside the workplace, they may think it's inappropriate to discuss it at work, even if it's affecting their job.

It's good practice to be able to recognise the signs that someone may have experienced rape or sexual assault and to create the right conditions for a conversation about available support in the organisation. Although it may be harder to detect, it's important to remember that these signs also apply to employees who are working from home or working remotely. It's also important to remember that individual reactions may vary and that someone may not present all the signs below:

Performance signs

- Changes in the quality of their work for unexplained reasons;
- Suddenly starting to miss deadlines;
- Turning down professional development or training opportunities;
- Minimal participation or contribution in team meetings;
- Unresponsive in online chats, or constantly offline; and
- Visibly uneasy or tense during team meetings.

Attendance signs

- Being persistently late without explanation or needing to leave work early;
- Refusing to participate in meetings primarily comprised of men;
- Needing regular time off for appointments;
- Working extra hours for no reason, or coming in early or staying late to avoid office hours; and
- Having more frequent or sporadic absences without explanation.

Behaviour signs

- Avoiding lunch or coffee breaks or socialising at the end of the day;
- Changes in their behaviour such as becoming quiet, avoiding speaking to colleagues;
- A loss of confidence and self-esteem;
- Avoiding male colleagues or being visibly uncomfortable around male colleagues;
- Isolating themselves from friends and family;
- Feeling depressed, anxious, distracted or having problems with concentration;
- Increased stress or being easily overwhelmed;
- Being withdrawn or detached; and
- Exhibiting fearful behaviour such as being easily startled, or wanting to leave work before it's dark.

Physical signs

- Visible bruises or wounds;
- Difficulty walking;
- Extreme tiredness;
- Broken or dislocated bones; and
- Headaches.

This is not an exhaustive list. There may be other signs that something has happened to one of your colleagues. However, if you do notice anything happening or any changes, starting a conversation to check-in is a good idea.



8. Starting a conversation

If you recognise the signs that one of your colleagues may have experienced rape or sexual assault, it's good practice as a line manager to create a supportive environment to start a conversation. However, as this may be a difficult topic for the victim-survivor, there are a number of things to consider.

Before you start the conversation, it's important to find a quiet and confidential space where you won't be interrupted or overheard.

You should be aware of the ways in which rape or sexual assault may have affected the victim-survivor. It's important to understand that since victim-survivors react differently, there may be other reasons for a change in performance or behaviour. You should create a safe environment by being open about the conversation without any form of judgement.

There may be cases where you try to engage, and the employee chooses not to disclose or report. If this happens, it's important to respect their decision. By doing this, it helps to show that you're approachable and non-judgemental which, in turn, can encourage the employee to disclose later or seek support. Also, it's important to not pressure the victim-survivor to provide details of what happened. This can often exacerbate their experience of trauma.

To create a supportive space for victim-survivors, you should ask open questions. The following list includes questions you can ask to start the conversation:

- I've noticed that you're not yourself lately, is everything okay?
- Is everything alright at work?
- How are things at home?
- Is there anything happening at work that's concerning you?
- I've noticed you've had some sickness absence recently, is everything okay?
- I've noticed you have missed a few deadlines recently, is everything okay?
- What can I do to support you right now?
- Are there any adjustments we can make?

As well, some helpful responses during the conversation may include:

- It's okay if you'd rather not talk about this now, we can speak again later/ tomorrow/next week.
- It's important to me and the organisation that you are comfortable at work.
- We are here to support you and to ensure you feel safe at work.

During the conversation, it's good practice to allow time for discussion and for the victim-survivor not to feel rushed. As well, it's important to consider the tone and language of the conversation. Victim-survivors often experience feelings of shame that can be triggered by negative comments or questions. There are steps provided in the next section which will help support how you respond to a disclosure.



As a line manager, this may be a difficult conversation to start with a colleague. You may be worried about not knowing what to say or saying the wrong thing, and that's normal. Just remember that the focus is on creating a supportive space for your colleague. As well, some victim-survivors may feel more comfortable speaking about their experience to a woman. This is helpful to remember and offer to your colleague. It's also important to remember that if you feel impacted by the conversation, there is support for you, as a line manager, in your organisation, as well as externally through specialist support organisations such as the local Rape Crisis centre.

Case study: Recognising the signs and starting a conversation

Saira noticed that one of her team members, Lucy, had recently started acting differently. She missed several deadlines, and spoke less often with her colleagues when previously she would initiate coffee breaks.



Saira decided to check-in on Lucy during one of their regular one-to-one meetings. She said that she noticed Lucy was not acting like her usual self, and asked if everything was alright. Lucy told her that she was tired, and that this was making it difficult to focus at work.

Saira didn't press the matter. However, Saira noticed Lucy withdrawing even more from conversations and missing deadlines after their meeting. At their next one-to-one meeting, Saira said to Lucy that she noticed her behaviour at work had changed. Saira again asked Lucy if everything was ok, and if there was anything she could do to better support her. Lucy shared that something had happened with her partner a few months ago. Lucy said that she didn't think she should bring it up at work because it was a personal issue and she felt embarrassed.

Saira reassured Lucy that it's okay to share difficult things happening in her personal life. Lucy then shared that her partner had sexually assaulted her. Saira said that she was sorry that this had happened to Lucy and she asked how it was affecting her. Lucy shared that it was hard to focus at work and that she was feeling overwhelmed. Saira said she understood how it could be difficult, and offered a variety of different ways the organisation could support her, including reducing her workload or allowing her to work more flexibly. Saira signposted Lucy to the local Rape Crisis centre and local Women's Aid group. Saira also told her that she could access the employee assistance programme. Saira thanked Lucy for sharing and for trusting her, and suggested that they meet again in two weeks to check-in. Saira also let her know that she was available to speak before then if it would be helpful.



9. Responding to disclosures



If an employee discloses or reports rape or sexual assault, it's good practice as a line manager to respond in a non-judgemental and sensitive way. The support provided to a victim-survivor after a disclosure should be centred around their needs. Some victim-survivors may disclose to you without wanting to take any further action, such as reporting to the police, or making a formal complaint to HR. If the employee doesn't want you to take any action following a disclosure, it's important to respect their decision. You may also be the first person that they have told. Therefore, the way you respond can affect whether they will access support, formally report their experience, or come forward again. It can also affect whether other colleagues will come forward in the future.

As highlighted already, rape and sexual assault can have long-lasting impacts on victim-survivors and the trauma caused can affect a victim-survivor's ability to discuss what happened. It's therefore important for line managers to understand that the time taken to report or disclose is not indicative of the severity of what happened. Delayed disclosure is not related to the gravity of the crime committed, or equivalent to a false accusation.

Women report that their line manager at times seemed uncomfortable or unsure of what to say after they disclosed or reported rape or sexual assault. Some women have stated that after reporting, their line manager avoided the topic or made inappropriate jokes or comments. Best practice examples of how to respond to a disclosure can be found in the boxes below.

Simple steps you can take to respond effectively

- Listen to the staff member and take their disclosure seriously.
- Reassure them that you understand that it's affecting them and what can be done to support them.
- Reassure them that their disclosure will be treated confidentially.
- Respect and accept their thoughts and ideas.
- Reassure them that their needs are a priority.
- Provide information about specialist support services, such as the local Rape Crisis centre, the Rape Crisis Scotland helpline, and the local Women's Aid group.
- Provide information about the NHS Scotland sexual assault self-referral phone services (SARCS).
- Offer practical support, such as a risk assessment and/or safety planning, flexible working, special leave, employee assistance programme or mental health support.
- Ask if there's anything else you can do to support them through the process.
- Inform them of what the next steps are, for example if there's a formal report.
- Organise times to check-in regularly in the future.

What to avoid

It's important when responding to disclosures that victim-survivors feel safe and supported. Well-meaning comments and opinions intended to be supportive and sympathetic can sometimes have the opposite effect. The victim-survivor may not feel believed and may also feel reluctant to share further information. The following list provides examples of things to avoid:



- Don't blame her for what happened;
- Don't ask a lot of questions to try and find out details;
- Don't make comments that imply there's something they could have done to 'protect themselves';
- Avoid making comments about her emotional response to what happened such as 'you don't seem very upset about it' or 'I thought you would've been angrier';
- Don't give advice— for example, don't pressure her into going to the police;
- Don't minimise her experience or try to make her feel better by saying things such as 'it's not that bad', 'it could be worse', 'other people have had it much worse' or 'at least he didn't rape you' in cases of sexual assault;
- Don't comment on her behaviour in previous relationships; and
- Don't assume that she wants you to act, she may just want to tell you what's happening and for you to listen.

It's important to remember that as a line manager, you're not expected to be a counsellor. The most important things you can do are to listen to the person, let them know that you believe them, and take the disclosure seriously.

Incidents related to the workplace

In situations where rape and sexual assault has occurred in the workplace or was perpetrated by a colleague, there a number of things that should be considered when responding to the disclosure. This includes ensuring that the victim-survivor is believed, supported and safe. Some cases of sexual assault and rape will fall under sexual harassment and be classified as gross misconduct, and your organisation may respond with their sexual harassment policy.

If they do not want to make a formal workplace complaint you should:

- Respect the victim-survivor's wishes not to make a formal complaint. They may wish to make a complaint at a later date.
- Keep a record of the disclosure, and the victim-survivor's request to keep the matter confidential. Also, outline to the victim-survivor where the record will be kept and for how long.
- Work with the victim-survivor to address solutions which don't place responsibility on them and be clear about your responsibility as an employer to keep them safe. Examples of possible solutions can be found on page 30.
- Identify with the victim-survivor how to ensure she feels safe at work. For example, are there areas of the workplace where she may see or run into the perpetrator, or activities that are triggering. Further information on this is provided in the next section.
- Keep the situation under review by checking in with the victim-survivor to find out if the situation has improved. Where the situation hasn't improved, explain to the victim-survivor that it may be necessary to take action as an employer to ensure their physical and mental wellbeing and that of their colleagues.

What you can do when the victim-survivor wants to make a complaint in the workplace:

- Inform them of the different ways to report, this may include either reporting to HR, a senior leader, a board member or trustee. Informing the victim-survivor of the different ways to report is important to ensure that they're not required to report an incident to the perpetrator or someone who they may feel will not be objective.
- Offer different support mechanisms for victim-survivors and for managing perpetrators effectively.
- Reassure the victim-survivor that victimisation or retaliation against her will not be tolerated and inform her of what to do if that happens.

- Outline that since rape and sexual assault constitute a serious crime, reporting to the police may be raised by HR, the investigator or, for smaller organisations, the lead respondent to the report. However, it's important to reassure the victim-survivor that it's her choice whether or not to report to the police.

As a line manager, your priority is to support the victim-survivor in the workplace and ensure their safety. Following a formal report, the organisation will take forward the complaint and conduct an investigation. The investigation may be challenging for the victim-survivor, and it's good practice to ensure that she feels supported. As well, at this stage a risk



assessment will be conducted to prevent further harassment and victimisation. If the alleged perpetrator is also on your team, or a works closely with your team, you may want to speak to HR or a senior leader about how to manage this. It may be a good idea, and is common practice, to suspend the alleged perpetrator, or change where they are working until the investigation is over. This is because other team members, as well as the victim-survivor, may be at risk working with the alleged perpetrator and it may impact their physical and mental health.

Ensuring confidentiality

When an employee has disclosed or reported, you should make clear that the information they shared will be kept confidential. As a line manager, you are responsible for ensuring their privacy is protected and that all employees are aware of their responsibility in relation to confidentiality.

It's critical that the disclosure or report is not discussed openly in the office to avoid stigmatisation or victimisation of the victim-survivor.

Maintaining confidentiality in the workplace is important for building and maintaining trust, and for ensuring open and honest communication. Confidentiality is particularly important if the police have been involved and in smaller and rural communities, where there is a greater likelihood of people in a community knowing each other.

Worker Protection (Amendment of Equality Act 2010) Act 2023

Under the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers are liable for preventing sexual harassment from occurring in the workplace. This preventative duty means that employers must be proactive in their approach to sexual harassment which means understanding and addressing any risks in the workplace, and ensuring robust policies and practices are in place. As well, employers are required to take steps to prevent harassment from third parties such as patients, customers, service users or community members. If an employer fails to take reasonable steps to prevent sexual harassment, the Equality and Human Rights Commission (EHRC) will take action. Employers also risk an employment tribunal increasing the amount of compensation if an individual's claim of sexual harassment is successful. This legal duty is important to consider in your practice as a line manager and further information can be found in guidance from the EHRC^{12 13}.

¹² Equality and Human Rights Commission (2024) *Sexual harassment and harassment at work: technical guidance*

¹³ Equality and Human Rights Commission (2024) *Employer 8-step guide: Preventing sexual harassment at work*

What are our obligations as an employer if someone doesn't want to report?

A common question that's raised in response to an employee not wanting to make a formal complaint of rape and sexual assault against a colleague is around the employer's liability for not taking action. As well, employers often worry that if a formal complaint isn't made, and they're aware of the behaviour of the alleged perpetrator, they may be putting other colleagues, service users or members of the public at risk. As a line manager, it's helpful to understand some of the limitations that arise without a formal complaint and what role you play in highlighting risks to HR.

If a victim-survivor doesn't want to make a formal complaint, taking action through the grievance process is not an option. There may be cases where, as an employer, you decide to act, this could be because of an anonymous report, multiple people disclosing incidents relating to the same alleged perpetrator or because of the risk the alleged perpetrator poses to the victim-survivor(s) or other colleagues. In these cases, as part of preventative duty in the Worker Protection Act, the EHRC states that employers will need to undertake a risk assessment to determine the potential challenges that could arise from taking action without a formal complaint. Also, the risk assessment must consider the potential impact of not taking any action against the alleged perpetrator, for example, putting staff at risk of further harassment or abuse. If the employer does decide to take formal action, they should explain this to the victim-survivor and ensure that support is put in place to prevent victimisation. Further detail on taking actions without a formal complaint can be found in guidance from the EHRC¹⁴.

As rape and sexual assault are criminal acts, victim-survivors should be provided with information on how to report to the police. If a victim-survivor doesn't want to report to the police, this should be respected. However, there may be certain circumstances where an employer reports to the police due to the risk the alleged perpetrator poses to the workplace. The employer should weigh up the risk of reporting to the police contrary to the victim-survivor's wishes, against any risk to the safety of the victim-survivor, colleagues and third parties if the matter is not reported to the police. As well it's important to discuss this with the victim-survivor ahead of time to ensure that they don't feel power or control is taken away from them.

¹⁴ Equality and Human Rights Commission (2024) *Sexual harassment and harassment at work: technical guidance*

As a line manager, if you are aware of multiple complaints against the same alleged perpetrator, or are concerned about the risk the alleged perpetrator poses to the victim-survivors, colleagues and service users, it's good practice to inform the victim-survivor of your concerns and highlight that you will be speaking to HR. It's important to remind the victim-survivor that you respect their decision not to report, and that HR may take action without a formal report.



10. Support and safety

In responding to a disclosure or report, you should ensure that the employee feels safe in the workplace and is receiving support, if they want it. Some women have stated that they felt let down or unsatisfied with the response from their line manager after disclosing and eventually went to HR for support.

In cases where the victim-survivor has reported to the police, the process of reporting and the subsequent criminal justice process can be a challenging experience which can retraumatise the victim-survivor. The support they receive during this time can determine whether they seek further support.

Risk assessments

Under the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers are liable for preventing sexual harassment from occurring in the workplace. Therefore, risk assessments are integral for ensuring that employers are aware of the potential risks to staff and that they're taking action to address them. In cases of rape and sexual assault, risk assessments should be used to prevent further harassment and identify support needs for victim-survivors. It's important to remember that risk assessments should be done with the victim-survivor if she's happy to do it.



If a formal complaint has been made against a colleague and it's under investigation, it's important to conduct a risk assessment. This may be conducted by HR, a health and safety officer or someone else independent from the team. Within a health care setting, this may also include reporting the alleged perpetrators to professional bodies. For example, this may include royal colleges, the General Medical Council, or the Nursing and Midwifery Council.

If the victim-survivor hasn't formally reported, you may want to conduct an informal risk assessment. As a line manager, when doing a risk assessment, you should seek assistance, if needed. It's important that the focus of the informal assessment is on ensuring the safety of the victim-survivor. For example, offering flexible working arrangements, or ensuring they don't have to work on their own in the office.

In cases where there has been more than one allegation against a staff member, or the allegation is considered to be putting others at continued risk, a risk assessment should be conducted to prevent any further action. Risk assessments are an integral part of meeting the preventative duty and advised by the EHRC. Further information on conducting a risk assessment can be found in guidance from the EHRC.

Following a risk assessment, it may be useful to implement a support plan. A support plan is a way to ensure the safety of victim-survivors in the workplace. A support plan can include making small changes in the workplace to support victim-survivors.

The following are examples of what you may want to include in support plans for victim-survivors:

- Agreeing that the employee can work flexibly, for example, leaving early to avoid travelling home in the dark.
- Changing desk position or office layouts to move the alleged perpetrator away from the victim-survivor.
- Changing work patterns or workload to help manage the impact of trauma symptoms and other mental distress.
- Organising cover to avoid certain service users, patients or clients.
- Agreeing that the employee won't have to participate in a meeting composed exclusively of male colleagues if she doesn't want to because this is triggering.
- Providing an escort or asking a colleague to walk with them to their car or bus stop.
- Having a list of local specialist support services that's easily accessible and signposting to appropriate organisations such as Rape Crisis centres and the Rape Crisis Scotland national helpline.
- Ensuring that victim-survivors can take time off work if needed. This may include time off for appointments with lawyers or with the police. This can be provided through special leave or sickness absence.
- Ensuring that any personal information about the victim-survivor that is held is not accessible to other staff members and adheres to the organisation's policies for storing confidential data.

This is not an exhaustive list, and what's included in the support plan will depend on the situation. It will also vary depending on whether a formal complaint has been made, or what stage the investigation is.

If there has been a formal complaint against a staff member or there has been a police investigation, the outcome of the investigations will impact what steps you take to support the victim-survivor and manage this within your team. If the formal complaint is a serious allegation or the alleged perpetrator is a serial offender, there may be action to take during the investigation to ensure staff safety. The next section outlines a number of policies and processes that will help support your approach.

Case study: Responding to disclosure and practical support

Anita had been working as a catering supervisor in a school for a few years when Paulina approached her to request a one-to-one meeting. In their meeting, Paulina said that one of their colleagues, Colin, had raped her after a work night out. Since then, he had been making inappropriate comments to her every time he saw her in the school.



At first, Anita felt unsure how to respond but knew that the organisation has policies in place to address this. She reassured Paulina that she believed her, and that this is taken very seriously by the organisation. She told Paulina that she was not to blame. Anita stated that this could be reported to HR, and they discussed options for reporting. Anita also signposted Paulina to the local Rape Crisis centre.

Paulina said that she was unsure about reporting, and Anita outlined that it was her decision to make. They went through the VAW policy together to get more information on the support available for Paulina.

They discussed options for making Paulina feel more safe at work, and offered to transfer her to a new school if she would like. They also discussed conducting an informal risk assessment to determine when she felt unsafe in the workplace and identified actions to address this. Anita shared that she would make note of their conversation, in case she wanted to report at another time. She also ensured Paulina that all the information would be stored confidentially and wouldn't be shared with anyone else. They also organised a date for them to check-in again in the future.

Following the disclosure, Anita was unsure if she should share the information with her manager or even the Head Teacher. She thought that other people may be at risk. However, she didn't want to go against Paulina's wishes. She decided to wait until their next check-in to see if Paulina felt comfortable with Anita speaking to HR for advice without sharing information on who made the disclosure. Anita also called the Scottish Women's Rights Centre helpline for advice.

11. Policies and practice



There are a number of employment policies that should be available to support your approach as a line manager. This includes:

- **VAW or gender-based violence policy.** This will have been developed as part of Equally Safe at Work and provides further information on rape and sexual assault as a form of VAW.
- **Sexual harassment policy.** This will have been developed as part of Equally Safe at Work. It will contain information on how to respond to cases of sexual assault which are classified as sexual harassment.
- **Equality and diversity policy.** This will provide information on the Equality Act 2010, the organisation's commitment to equality and the importance of preventing discrimination and harassment in the workplace.
- **Disciplinary procedure.** This may be necessary after a formal report and when managing a perpetrator in the workplace. It will provide information on the organisation's approach to managing misconduct.
- **Sickness absence policy.** This can be helpful for supporting victim-survivors in the workplace.
- **Flexible working policy.** This can support women by providing flexibility to their working pattern or reducing workload.
- **Special leave policy.** The special leave policy is helpful for victim-survivors who may need time off for meetings with the police, or counselling appointments.
- **Employee assistance programme.** This may be helpful for supporting staff's wellbeing and provide mental health support to victim-survivors.

You should be aware of the policies that exist in your organisation and where to find them.

12. Further resources

Rape Crisis Scotland have developed a number of resources, including:

- Ways to support victim-survivors: www.rapecrisisscotland.org.uk/resources/
- An animation explaining the freeze trauma response: www.rapecrisisscotland.org.uk/campaigns-i-just-froze/
- Reporting to the police: www.rapecrisisscotland.org.uk/resources/police-legal.pdf and [www.scottishwomensrightscentre.org.uk/resources/SWR-012-sexualcrime-03-ONLINE2.pdf/](http://www.scottishwomensrightscentre.org.uk/resources/SWR-012-sexualcrime-03-ONLINE2.pdf)

NHS Scotland offer a variety of resources and services, including:

- SARCS (Sexual Assault Response Coordination Services): anyone who has been raped or sexually assaulted in the last 7 days can call 0800 148 88 88 to be put in touch with a local healthcare professional. www.nhsinform.scot/turn-to-sarcs/
- NHS Education Scotland's National Trauma Transformation Programme which is available for all sectors of the workforce across Scotland: www.traumatransformation.scot/
- NHS Lanarkshire's animations:
 - Never too late to tell: www.youtube.com/watch?v=rVMke_RLoEI
 - Trauma and the brain: www.youtube.com/watch?v=4-tcKYx24aA



Close the Gap
166 Buchanan Street,
Glasgow, G1 2LW
0141 572 4730
esaw@closethegap.org.uk
equallysafeatwork.scot
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Equally Safe at Work is delivered by Close the Gap,
Scotland's expert policy advocacy organisation
working on women's labour market participation.

Close the Gap www.closesthegap.org.uk

Close the Gap (SCIO) (known as Close the Gap) is a Scottish charity, no SC046842.



Workforce

Sexual harassment guide

Introduction

This guide was developed to support employees who are currently experiencing or have experienced sexual harassment in their workplace. It will also help managers who may be supporting an employee or individuals and teams improve their understanding of sexual harassment. It is for all employees regardless of job role, grade, or experience.

The sexual harassment guide should be read in conjunction with the [Gender Based Violence Policy guide for managers](#).

At the time of publishing, Public Health Scotland states over 70% of women have witnessed or experienced sexual harassment in the workplace. NHSScotland recognises that sexual harassment is common but unwanted behaviour that happens in society, and the impact is frequently downplayed. However, it is destructive, directly impacting the physical and psychological safety of the victim-survivor.

In the workplace, it can affect employees' professional relationships and, potentially, their careers. It also indirectly affects their families, their colleagues and the health service as a whole. To perform at their best, employees must feel safe at work. NHSScotland acknowledges that sexual harassment contributes to gender inequality in the workplace, and as a large public sector employer, it has a responsibility to challenge and tackle this behaviour.

The guide covers:

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Purpose

The purpose of this guide is to:

- Educate all employees on sexual harassment in the workplace.
- Provide advice and support for victim-survivors and their managers.
- Signpost employees to sources of support, including relevant workforce policies.

Who does this guide apply to?

This guide applies to all employees. It also applies to bank, agency, sessional workers, volunteers, contractors, and those on placement, such as trainees, students, or individuals undertaking work experience.

If you are a student and have been sexually harassed while on your placement, then you should contact your university's human resources department and report it to your supervisor in the first instance.

What is sexual harassment?

This section includes definitions and examples of sexual harassment. The list is not exhaustive.

Definitions

Sexual harassment is 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. Even if there's no intention to cause distress, it can still violate someone's dignity or create an offensive environment.

Sexual assault is when one person intentionally touches another person sexually without their consent. The touching can be done with any part of the body or with an object.

Third-party harassment is the harassment of a worker by someone who does not work for and is not an agent of the same employer. For example, a patient, relative or carer, or contractor.

Victim-survivor is someone who is or has been the victim of sexual harassment.

Perpetrator is an individual who is alleged to have committed sexual harassment.

Examples of sexual harassment

Examples of sexual harassment include:

- sexual comments or noises, for example, catcalling or wolf-whistling
- sexual gestures
- leering, staring or suggestive looks
- sexual 'jokes', sexual innuendos or suggestive comments
- unwanted sexual advances or flirting
- sexual requests or asking for sexual favours
- sending unsolicited messages with sexual content
- intrusive questions about a person's private or sex life
- someone discussing their own sex life
- commenting on someone's body, appearance or what they're wearing
- spreading sexual rumours
- promises in return for sexual favours
- threats or intimidation
- displaying images of a sexual nature
- unwanted physical contact, for example, brushing up against someone, hugging, kissing, or massaging
- stalking
- indecent exposure
- taking a photo or video under another person's clothing, what is known as 'up-skirting'

A single incident can amount to sexual harassment. A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

It is also important to recognise not all sexual harassment happens within the workplace. Sexual harassment can occur outside of working hours at work social events, in a car park, or via digital messaging and social media.

Third party harassment

Third party harassment can also occur, for example, a patient making sexual comments to employees. All staff are encouraged to report any third-party harassment they are a victim of or witness.

In addition, sexual harassment of a third party by an employee will be managed in line with the relevant NHSScotland workforce policy.

Intersectionality of sexual harassment

There is clear evidence that sexual harassment disproportionately affects women, although it does also affect men. In addition, some employees with other protected characteristics are at greater risk of being sexually harassed. For example, power imbalances between senior, older, male perpetrators and junior, younger, female victim-survivors can mean instances of sexual harassment are underreported.

Further evidence confirms that women from an ethnic minority, women with a disability, and those from the LGBTQI+ community are at increased risk of sexual harassment.

The Equality and Human Rights Commission (EHRC) provides more information. [Read Sexual harassment and harassment at work: technical guidance](#).

Recognising sexual harassment

Disclosing sexual harassment can be embarrassing or traumatic for victim-survivors. Often, they won't report it because they fear the repercussions, such as:

- Being labelled as a 'troublemaker' and feeling ostracised at work.
- Having to re-live their experience.
- Reporting will not lead to action.

Managers should remain vigilant and look out for any of the following signs to help identify sexual harassment. Please note that the following list is not exhaustive.

Indicators of sexual harassment

Everyone's experience of sexual harassment is deeply personal, and signs of it vary significantly. Knowing your staff and colleagues and observing any changes can indicate a sensitive and supportive enquiry would be helpful.

- Performance:
 - Unexplained deterioration in quality of work.
 - Turning down professional development or training opportunities.
 - Reduced participation or contribution in team meetings.
 - Lack of engagement in online chats or being constantly offline.
 - Visibly uneasy or tense during meetings.
- Attendance:
 - Being persistently late or leaving early.
 - Coming in early or staying late for no obvious reason.
 - Having more frequent absences.
- Behaviour:
 - Avoiding social spaces or events.
 - Withdrawing from previous sources of support, including team chats or catch-ups.
 - A loss of confidence.
 - Avoiding or being visibly uncomfortable around certain colleagues.
 - Increased anxiety, distraction, or having problems with concentration.
 - Increased signs of stress or being easily overwhelmed.
 - Being easily startled.
- Physical:
 - A change in appearance.
 - Fatigue or exhaustion.
 - Increased physical tension.
 - Panic attacks.
 - Sleeping or eating disorders, or both.
 - Substance misuse or dependence, or both.
 - Self-harm or suicide attempts, or both.

Having a conversation with a victim-survivor

Employees affected by sexual harassment may not be willing or able to discuss what is or has happened to them. It may be because they don't know how to report it or are unaware that support is available. If you suspect one of your colleagues is being sexually harassed, you can start a conversation.

There may be cases where you try to do this, and the colleague chooses not to disclose or report. If this happens, it's important to respect their decision. Respecting their decision can show that you're approachable and non-judgmental.

Ask them what they would like to happen next and how they would like to be supported. This will be different for everyone.

Questions to help start a conversation:

- Is everything alright at work?
- Is there anything happening at work that's concerning you?
- I've noticed that you're not yourself lately. Is everything okay?

You should listen to them and believe them when they share their stories.

Please do not interrupt, downplay it, or say it could have been worse. Demonstrate empathy. Not everyone wants, or is ready for, anything more than simply being heard.

When someone chooses to talk about sexual harassment, they may approach their manager, a friend or a colleague. Alternatively, they may share with a trade union representative, HR, or occupational health services.

It is important to keep this information confidential. However, there may be situations where it should be reported, for example, when someone discloses that they have committed sexual harassment.

Advice and support for victim-survivors

It is recognised that some employees may not be comfortable identifying as a victim-survivor. All experiences of sexual harassment are unique and will affect individuals in different ways.

As such, when discussing sexual harassment with anyone at work, you should use terminology that all parties are comfortable with.

If you have been the victim of sexual harassment, you may be going through a lot of distress. This is a normal reaction to have. You must remind yourself that you are not to blame. Support is available. The following section is a list of actions you may take to help you manage your experience of sexual harassment.

Talk about it

Talking can empower you and your fellow colleagues to take steps to address sexual harassment in the workplace and help open up wider conversations about gender inequality in the workplace.

Even if you don't want to formally report the behaviour you have experienced, discussing it in a safe, nonjudgmental environment with a trusted friend, colleague, trade union representative, or mentor may help you access the support you need when you need it.

Collect evidence

It is good practice to retain any evidence of sexual harassment you have experienced. This could include texts, emails, or notes you have retained. The more detail you have, the better, especially if you make a formal complaint. You should make note of anyone who witnessed the sexual harassment you experienced or anyone you have consulted for advice or support. You should consider storing this information so that it can be accessed when needed, but it means you do not have to view it all the time.

Report it

If you feel comfortable doing so, we would strongly recommend you report any sexual harassment you have experienced as soon as possible in line with the [Bullying and Harassment Policy](#).

If you have been sexually assaulted or are the victim of a serious crime, then you may consider reporting it to [Police Scotland](#).

If you witness sexual harassment you are encouraged to support the victim to report it, or you can report it on their behalf.

External support and advice

If you need immediate support, you should contact:

- [National Wellbeing Hub](#) – Call 0800 111 4191
- [NHS 24](#) – Call 111
- [Police Scotland](#) – Call 101, or in an emergency 999
- [CrimeStoppers UK](#) – Call 0800 555 111
- [Sexual Assault Response Coordination Service \(SARCS\)](#)
- [Sexual Assault Referral Centres](#)
- [Rape Crisis Scotland](#) – Call 08088 010302
- [The Samaritans](#) – Call 116 123

Related policies

NHSScotland has national workforce policies that apply to all staff. These policies should be used to address instances of sexual harassment:

- [Bullying and Harassment Policy](#)
- [Gender-based Violence Policy](#)
- [Conduct Policy](#)

Public Protection Policy



Title:

Public Protection Policy

Date effective from:	December 2023	Review date:	December 2026
Approved by:	NHS Lothian Policy Approval Group		
Approval Date:	5 December 2023		
Author/s:	Director of Public Protection		
Policy Owner:	Director of Public Protection		
Executive Lead:	Executive Nurse Director		
Target Audience:	All NHS Lothian employees		
Supersedes:	NHS Lothian Public Protection Policy v1.0		
Keywords (min. 5):	child protection, adult protection, sexual and violent offenders, abuse, neglect, harm, risk		

Version Control

Date	Author	Version/Page	Reason for change
Feb 2019	Director of Public Protection	v0.1	Draft development
Dec 2019	Director of Public Protection	v0.2	Update following consultation
Jan 2020	Director of Public Protection	v1.0	Approved by the Policy Approval Group
Dec 2022 - Nov 2023	Director of Public Protection	v1.1-4	Under review
Dec 2023	Director of Public Protection	v2.0	Approved by the Policy Approval Group

Executive Summary

Public Protection is about preventing harm to vulnerable groups within society. It is an issue of fundamental importance to NHS Lothian. It remains a top priority and one of our most challenging areas of work.

There are clear links to be made across a range of service areas that relate to public protection:

- Child Protection
- Adult Support & Protection
- MAPPA (Multi Agency Public Protection Arrangements for the management of sexual and/or violent offenders)
- Violence against Women and Girls
- Alcohol, Drugs, and other Substance Use

As the provider of universal health services, any member of staff may be the first to become aware of risk of harm. All children, young people and adults at risk have a fundamental right to be protected and safe. It is the responsibility of all staff to be alert to circumstances which might place them at risk of abuse or neglect and know what action they need to take if they have a concern.

NHS Lothian has an essential role in preventing and reducing the risk of abuse or neglect. There is a commitment to ensuring that all staff are confident and competent to undertake their role in identifying and responding appropriately to concerns.

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1.0 Purpose

This policy aims to clearly set out the roles and responsibilities of all staff working across NHS Lothian, in playing their part to meet the organisation's duties to support and protect children, young people and adults at risk of harm.

2.0 Policy statement

To assist NHS Lothian fulfil its responsibilities and duties for keeping children, young people, and adults at risk safe from harm and abuse, and to comply with relevant procedures and the law.

3.0 Scope

This policy applies to all staff in NHS Lothian regardless of whether they come into contact or work directly with vulnerable groups. Specific operational procedures and guidelines are in place for child protection and for adult support and protection.

4.0 Definitions

Public Protection - involves agencies working together at all levels to raise awareness and understanding and co-ordinate an effective response to ensure the protection of individuals identified as being at risk of harm.

Child Protection – Protecting a child from child abuse or neglect. For the purpose of this policy a child is aged less than eighteen years.

Adult at Risk is a person aged sixteen years or over who:

- (a) Is unable to safeguard their own well-being, property, rights, or other interest.
- (b) is at risk of harm, and
- (c) Because they are affected by disability, mental disorder, illness or physical or mental infirmity, is more vulnerable to being harmed than adults who are not so affected

MAPP - Multi Agency Public Protection Arrangements for the management of sexual and/or violent offenders

Abuse and Neglect – Are forms of maltreatment of a child or adult.

Significant Harm – can result from a specific incident, a series of incidents or an accumulation of concerns over a period of time.

5.0 Implementation roles and responsibilities

The Scottish Government requires Chief Executives of Health Boards to have a responsibility for the delivery of high-quality services to support Public Protection. This includes the overall strategic direction for public protection and strategic management of all adult and child protection health services delivered by the Health Board.

The provision of services for all aspects of public protection is managed by the Director of Public Protection, who reports to the Executive Nurse Director.

The Public Protection Action Group (PPAG), chaired by the Executive Nurse Director, provides the governance structure, and reports to the NHS Lothian Board via the Healthcare Governance Committee and the Risk Management Committee. A Public Protection Improvement Plan is in place, which sets out the priorities for the coming year.

All operational managers will implement the policy by ensuring each member of their team:

- Is made aware of the document.
- Knows the key procedures /guidance/to be followed in the event they may be concerned a child or adult is at risk of abuse and neglect.
- Is up-to-date with mandatory public protection training and other education and training appropriate to role and level of responsibility as per the NHS Lothian Public Protection Training Strategy.

It is the duty and responsibility of NHS Lothian staff to cooperate with the Local Authority and Police Scotland in relation to inquiries and investigations for child protection and adults at risk.

6.0 Associated materials

All NHS Lothian produced materials associated with Public Protection will be signed off at the NHS Lothian Public Protection Action Group (PPAG) or the relevant Child/Adult/Public Protection Committee for Interagency Policies/Procedures and Guidelines.

[Edinburgh and the Lothians Multi-agency Child Protection Procedures](#), approved by ELBEG (available on the NHS Lothian intranet)

[NHS Lothian Child Protection Procedures 2016](#), approved by the Public Protection Action Group

[NHS Lothian Adult Support and Protection Procedures](#), approved by the Public Protection Action Group, March 2023

[Child Protection Protocol for the management of unexplained bruising in pre-mobile babies](#), approved by NHS Lothian Public Protection Action Group, May 2020

[Skeletal Survey information leaflet for parents/carers](#), NHS Lothian/NHS Borders/NHS Fife

[NSPCC Need-to-Know Guide: Handle with care How to keep your baby safe](#), NSPCC, 2015

[Bruising in Young Babies: Information for Parents and Carers](#), NHS Lothian, 2019

[Gender Based Violence, Domestic abuse: What health workers need to know about gender-based violence guidance](#), NHS Health Scotland, March 2019

7.0 Evidence base

[National Guidance for Child Protection in Scotland 2021 \(updated 2023\)](#), Scottish Government

[Children's \(Scotland\) Act 2014](#)

[Adult Support and Protection \(Scotland\) Act 2007](#)

[Multiagency Public Protection Arrangements \(MAPPA\) National Guidance](#)

[Revised Prevent duty guidance: for Scotland \(2015\)](#), UK Government Home Office, updated 31 December 2023

8.0 Stakeholder consultation

Public Protection Action Group (PPAG)

The Public Protection Action Group membership consists of representative from:

- Executive Nurse Director (chair)
- Director of Public Protection
- Integrated Joint Board Chief Nurses/Integrated Joint Board Head of Health/Director
- Nurse Director Acute
- Public Health Representative
- Children's services - Clinical Director/ or Associate Nurse Director
- Midwifery/Neonate Services Clinical Director or Director of Midwifery
- Lead Paediatrician for Child Protection
- Lead Consultants for MAPPA
- Lead Consultant for Adult Support and Protection
- Child Health Commissioner
- Lead CAMHs/Adult or Mental Health/Substance Misuse/Learning Disability
- Clinical Nurse Manager Public Protection and Care Experience Children and Young People
- Partnership Representative
- Human Resources

9.0 Monitoring and review

The policy will be reviewed biannually or as required to reflect material changes in other related policy, procedures, or guidance and/or changes in legislation.