



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*

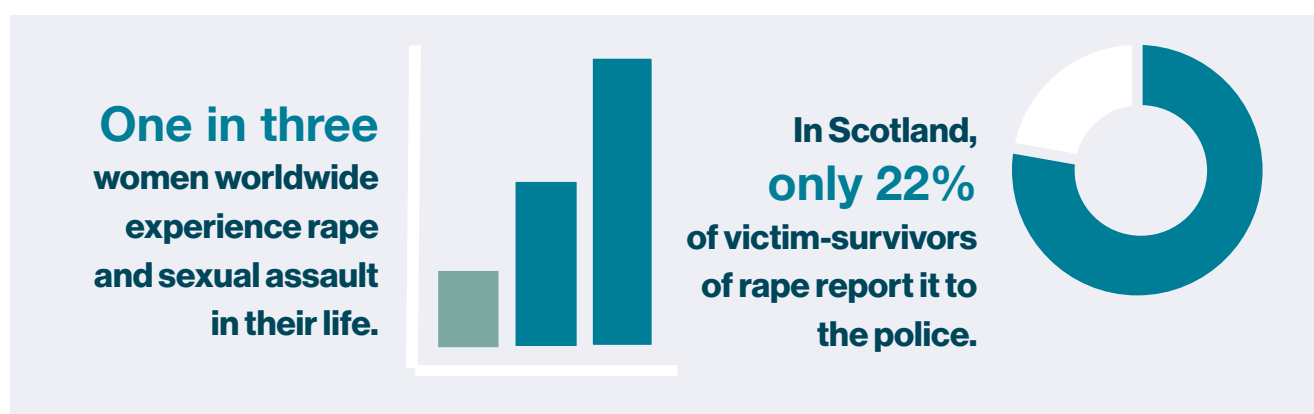
³ Rape Crisis Scotland (2023) *Delivering sexual violence support services that work for survivors of colour*

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.

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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.



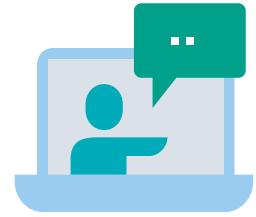
Saira decided to check-in on Lucy during one of their regular one-to-one meetings. She said that she noticed Lucy was not acting like her usual self, and asked if everything was alright. Lucy told her that she was tired, and that this was making it difficult to focus at work.

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

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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