

DOMESTIC ABUSE AND THE WORKPLACE POLICY



**With you.
For you.**

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CONTENTS

| | | |
|------------|---|----|
| 1. | Introduction | 4 |
| 2. | Purpose | 4 |
| 3. | Scope | 4 |
| 4. | Legislation and Guidance | 4 |
| 5. | Responsibilities | 5 |
| 6. | Definitions | 5 |
| | 6.1 Domestic Violence/Abuse (DVA) | 5 |
| | 6.2 Forced Marriage (FM) | 5 |
| | 6.3 Honour Based Abuse (HBA) | 5 |
| | 6.4 Female genital Mutilation (FGM) | 5 |
| 7. | Domestic Abuse and the Workplace | 5 |
| 8. | Possible Signs of Domestic Abuse | 6 |
| 9. | Confidentiality | 6 |
| 10. | Right to privacy | 7 |
| 11. | Anti-Discrimination | 7 |
| 12. | Support for staff | 7 |
| | 12.1 Support for Line Managers regarding Victims | 7 |
| | 12.2 Providing Support for Employees | 8 |
| | 12.3 Support for Line Managers regarding Perpetrators | 8 |
| | 12.4 Victims and perpetrators working for the CCG | 9 |
| | | |
| Appendix 1 | Types of domestic abuse | 10 |
| Appendix 2 | Forms of abuse and potential indicators | 11 |
| Appendix 3 | National & Local helpline and resources | 12 |
| Appendix 4 | Further guidance on potential questions that can be used where domestic abuse is suspected. | 14 |
| Appendix 5 | Equality Impact Assessment | 15 |

1 INTRODUCTION

West Lancashire Clinical Commissioning Group is committed to supporting employees who are experiencing domestic abuse and providing guidance for employees and managers to address the occurrence of domestic abuse and its effects on the workplace.

The CCG acknowledges that domestic abuse is a significant problem which has a devastating impact on victims and their families. This policy represents a commitment to take all reasonable steps possible to combat the reality and impact of domestic abuse on those being abused and to challenge the behaviours of perpetrators.

Domestic abuse can be a significant safeguarding issue regarding children. The Children Act 2004 defines hearing or witnessing domestic abuse as potential significant harm to children and young people. The CCG recognises its duty of care to respond to child safeguarding issues if it becomes apparent that a child of an employee who is a victim of domestic abuse may be at risk of harm.

West Lancashire Clinical Commissioning Group recognises that domestic abuse can affect an individual's work performance and that as an employer we have a responsibility for health, safety and welfare of staff at work and seek to provide support to those affected. For some staff, the workplace is a safe haven and the only place that offers routes to safety

Where a member of staff is a convicted perpetrator of domestic violence and abuse we will address this through the appropriate Regulatory Code of Conduct and Human Resources policies.

2 PURPOSE

This policy ensures that both victims and perpetrators of domestic abuse are aware of the support that is available within the organisation. It also provides guidance to line managers when supporting staff who are affected by domestic abuse.

3 SCOPE

This policy applies to all staff whilst performing duties on behalf of West Lancashire Clinical Commissioning Group. All staff should be aware of this policy and act accordingly, through the management structure to report suspicions or actual domestic abuse within the parameters of this policy, related policies and legal requirements and their own professional regulators guidance.

4 LEGISLATION AND GUIDANCE

The policy has been written taking account of the legal requirements of the following regulations:

- Code of Conduct (or appropriate Codes) for NMC/GMC/GDC/HCPC
- Racial Harassment and Hate Crimes Policy & Procedure
- The Domestic Violence, Crime and Victims Act amended 2012
- The Family law Act 1996
- The Children Act 2004

- The Sexual Offences Act 2003
- Female Genital Mutilation Act 2003
- Government Strategy to tackle Violence against Women and Girls (VAWG)
- Home Office 'Domestic Violence & Abuse' (<https://www.gov.uk/domesticviolence-and-abuse>)
- Forced Marriage (Civil Protection) Act 2007
- Pan Lancs LSCB Procedures
<http://panlancashirescb.proceduresonline.com/index.htm>
- Pan Lancs LSAB Procedures
<http://plcsab.proceduresonline.com/chapters/contents.html>

5 RESPONSIBILITIES

Executive Nurse, Lead for Quality and Safety

Executive Nurse, Lead for Quality and Safety is responsible for overseeing the implementation and impact of this policy and for making recommendations for change (through the management structure).

Managers and Service Leads

Managers and Service Leads should use this policy to help them discuss their concerns with their staff and are responsible for:

- Ensuring that all staff are aware of this policy and comply with its requirements

Human Resource Management

The organisation is dedicated to the health and wellbeing of staff and will work with Human Resources to ensure that the appropriate advice and support is available to both staff and managers whenever required. HR will be responsible for the provision of advice and/or support and will assist in the signposting and referrals to relevant safeguarding agencies and support mechanisms available. These may include Occupational Health, access to confidential counselling and other wellbeing services.

7 DOMESTIC ABUSE AND THE WORKPLACE

It is important to promote the understanding that everyone has the right to a life free from abuse in any form. West Lancashire Clinical Commissioning Group strives to create a working environment that promotes the view that violence against people is unacceptable and that such violence will not be condoned.

Employees are expected at all times to conduct themselves in a way that will not adversely reflect on the business and its reputation. Employees who are alleged perpetrators must also be aware that conduct outside of work could lead to disciplinary action being taken.

Perpetrating domestic abuse whilst in the workplace may breach any Code of Conduct. If a colleague is found to be assisting an abuser in perpetrating the abuse by giving them access to facilities such as telephones or email, then they will be seen as committing a disciplinary offence.

8. POSSIBLE SIGNS OF DOMESTIC ABUSE

The effects of domestic abuse are often invisible and therefore not obvious to managers and colleagues and victims are often reluctant to discuss their situation with their employer or work colleagues. Some signs which might indicate that they are experiencing such problems are;

- Changes in behaviour including uncharacteristic depression, anxiety, distraction or displaying problems with concentration
- Changes in the quality of work for no apparent reason
- Arriving late or leaving early
- Increase in hours worked for no apparent reason.
- Poor attendance or high absenteeism without an explanation
- Needing regular time off for appointments
- Inappropriate or excessive clothing (designed to hide bruising or scars)
- Receiving upsetting telephone calls, text messages, emails etc; or being the victim of vandalism or threats.
- Obsession with time

It is important to remember that not all victims behave in the same way, and the signs listed will not be applicable in all cases. Similarly, it is important to note that staff who demonstrate some of the characteristics noted will not always be victims of domestic abuse.

Special attention may be warranted when for example behaviour changes significantly or if uncharacteristic behaviour is demonstrated for a sustained period.

See **Appendix 2** for further information on forms of abuse and potential indicators of abuse.

9 CONFIDENTIALITY

If a member of staff discloses that they are a victim of domestic abuse, they can be assured that the information they provide will be confidential and will not be shared with other colleagues without their permission.

There are however, some circumstances in which confidentiality cannot be assured. This may occur when there are concerns regarding children, vulnerable adults or where the organisation is required to protect the safety of their staff. In these circumstances, the member of staff will be informed as to the reasons why confidentiality cannot be maintained.

As far as possible, information will only be shared on a need to know basis.

Confidentiality cannot be assured to staff who disclose that they are a perpetrator of domestic abuse.

All records concerning domestic abuse will be kept strictly confidential. Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and maybe subject to disciplinary action.

10 RIGHT TO PRIVACY

West Lancashire CCG respects an employee's right to privacy in the event a victim does not wish to inform their organisation or department that they have been or are a victim or perpetrator of domestic abuse.

11. ANTI-DISCRIMINATION

West Lancashire CCG will not discriminate against anyone who has been or are a victim of domestic abuse, in terms of his or her existing employment or career development.

The CCG is aware that domestic abuse victims may have performance problems such as chronic absenteeism or lower productivity as a result of domestic abuse.

When addressing performance and safety issues, the CCG will make reasonable efforts to consider all aspects of the employee's situation and / or safety problems.

12 SUPPORT FOR STAFF

12.1 Support for Line Managers regarding Victims

Remember: domestic abuse is unlikely to be disclosed easily by victims or perpetrators.

West Lancashire Clinical Commissioning Group will make support available to employees involved in domestic abuse. The CCG will provide support through line managers, Human Resources, Occupational Health, Employee Assistance Programme and referral to external agencies if appropriate (see **appendix 3**)

There are a number of ways in which staff experiencing domestic abuse can be supported by the organisation.

- Be available and approachable to employees experiencing domestic violence
 - Listen, reassure and support individuals
 - Keep information confidential (subject to the requirements of child and adult protection)
 - Respond in a sensitive and non-judgemental manner
 - Discuss the specific steps that can be taken to help this person stay safe in the workplace
 - Ensure the employee is aware of the options available to them
- Sign post employee to seek the advice of other relevant agencies

If an employee is suspected of experiencing domestic abuse a conversation should be facilitated to discuss this. If confirmed, appropriate support can then be implemented as agreed with the employee. Avoiding the subject can perpetuate fear of stigma and increase anxiety.

(See **appendix 4**) for further guidance on potential questions that can be used where domestic abuse is suspected.

If line managers require further advice or assistance before speaking to a member of staff, further support is available from Human Resources (HR) Advisers/ managers or the Safeguarding Team.

12.2. Providing Support for Employees

Line managers may consider offering a broad range of support to staff experiencing domestic abuse including;

- Annual leave, flexi-time or lieu time for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare or for court appointments.
- Special leave provisions (e.g. compassionate leave or unpaid leave) where the officer or member of staff's annual leave entitlement has been exhausted.
- Temporary or permanent changes to working times and patterns using existing procedures i.e. flexible working.
- Changes to specific duties, for example to avoid potential contact with the perpetrator in a customer facing role.
- Measures to ensure a safe working environment, for example blocking emails /screening telephone calls; alerting reception / security if the perpetrator is known to come to the workplace; and ensuring arrangements are in place for safely travelling to and from work.
- Redeployment or relocation
- With the member of staff's consent:
 - i advise colleagues on a need-to-know basis and agree a response if the perpetrator contacts the workplace.
 - ii provide a photograph of the perpetrator to line management, security staff and reception.
- Review the security of personal information held, such as temporary or new address and bank details.

The right of staff to make their own decision about the course of action at every stage will be respected. It is recognised that a member of staff may need some time to decide what to do and may try different options during this process.

12.3 Support for Line Managers regarding Perpetrators

West Lancashire CCG recognises that perpetrators of domestic violence may wish to seek help and support voluntarily. They will have access, when appropriate, to help and support in accordance with that laid out in this policy

Domestic abuse perpetrated by staff will not be condoned under any circumstance nor will it be treated as a purely private matter. Staff should be aware that domestic abuse is a serious matter which can lead to criminal convictions. Conduct outside of work may lead to disciplinary action being taken against a member of staff; as such conduct may undermine the confidence and trust the organisation has in them. However, West Lancashire CCG recognise that it has a role in encouraging and supporting perpetrators to address violent and abusive behaviour of all kinds.

If a member of staff discloses perpetrating domestic abuse the HR Adviser/Manager should be informed so that the disciplinary or other internal procedures can be considered, this may include informing the police. However, the member of staff will be provided with information about the services and support available to them.

This procedure can be applicable in cases where a member of staff has;

- Behaved in a way that has harmed or threatened their partner

- Possibly committed a criminal offence against their partner
- Had an allegation of domestic abuse made against them
- Presented concerns about their behaviour within an intimate relationship.

West Lancashire CCG will ensure;

- Allegations will be dealt with fairly and in way that provides support for the person who is the subject of the allegation or disclosure
- All staff will receive guidance and support
- Investigations will be sufficiently independent.

The accused member of staff will be:

- Treated fairly and honestly
- Helped to understand the concerns expressed and processes involved
- Kept informed of the progress and outcome of any investigation and the implications for any disciplinary process

12.4 Victims and perpetrators working for West Lancashire CCG

In cases where both the victim and perpetrator of domestic abuse work for West Lancashire CCG appropriate action will be taken. In addition to considering disciplinary action against the perpetrator, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace.

Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties or withdrawing the perpetrators access to certain computer programs. Further advice can be sought from the HR Advisers/Manager.

13 REVIEW AND MONITORING

The policy and procedure will be reviewed triennially by the HR team in conjunction with operational managers at the CCG and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

APPENDIX 1

Types of domestic abuse

Domestic abuse can be a single incident or a series of incidents and can include :

Psychological;

Intimidation, threats to harm, threats to kidnap children, blackmail, destruction of pets, property, mind games and stalking.

Physical;

Inflicting or attempting to injure, grabbing, pinching, biting, kicking, stabbing, weapons, withholding medications, food, funds.

Sexual;

Marital rape, acquaintance rape, forced sex after physical beating, fondling, forced prostitution.

Financial;

Maintaining control of earned income, withholding money and running up debt in the victim's name.

Emotional;

Undermining or attempting to undermine the victims' sense of worth, constant criticism, name calling, insults, put downs, silent treatment, repeatedly making and breaking promises, harming or making threats to harm pets.

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

(Home Office 2013).

APPENDIX 2

Forms of abuse and potential indicators

| | |
|--|--|
| <p>Physical Punching Shoving Hitting Drowning Biting Beating Pushing Choking Stabbing Rape Burning Scalding Denying sleep</p> | <p>Threats To kill her/him To kill or hurt her/his children □o abuse children To withhold care if ill or disabled To find her/him if she/he leaves To have her/him locked up – she/he is mad/unfit Blame her/him for breaking up family Turn children against her/him Abuse her/him in front of children Smash or burn everything</p> |
| <p>Emotional Jealousy Telling her/him she/he's worthless Boasting about abuse to friends Forcing to do things at exact times, in exact ways Undermining Telling her/him she/he's a bad mother/father Telling her/him she/he couldn't manage on her/his own Repeated criticism</p> | <p>Sexual Rape Anal rape Forcing sex when ill or tired Forcing sex with others Forcing to mimic pornography Using objects during sex Forcing sex with friends Forced prostitution Forcing to be photographed</p> |
| <p>Isolation No visitors, friends, family Locking in house/room Not allowed to work/attend college/evening class Accompanying her to and from work Not allowed out on own When out not allowing to talk to anyone, walking</p> | <p>Financial/Economic Making her/him beg for money Threatening to kick her/him out of house Withholding information re welfare benefits by isolating her/him Running up debts in her/his name Withholding money for basic necessities</p> |
| <p>Potential indicators Suspicious injury or attempts to disguise an injury through clothing and make-up; Partner / family member always present and answering for the person; Depression; alcohol and drug abuse; Self-harm; Anxiety and self-neglect; Regular non-attendance for appointments; Restrictions on access to money; Restrictions in relation to work, education and social life; Children having issues such as behavioural difficulties, being withdrawn or sleep problems.</p> | |

APPENDIX 3

National and Local Help lines and Resources

There are numerous local and national resources available to those with concerns about Domestic Abuse. The details of the organizations below are correct at the time of policy ratification.

National Domestic Violence helpline

They run in partnership between Women's Aid and Refuge. A national service for women experiencing Domestic Abuse. Their family, friends, colleagues and others can call on their behalf.

- Phone 0808 2000 247 (freephone 24 hours)
- Translation facilities are available for callers whose first language is not English and there is also a service for callers who are deaf or hard of hearing
- www.nationaldomesticviolencehelpline.org.uk

Refuge

A network of safe houses provided emergency accommodation for women and children when they are most in need.

- Phone 0808 2000 247 (freephone 24 hours) who will provide local advice for contact
- www.refuge.org.uk

Rights of Women (ROW)

Rights of Women is an organisation committed to informing, educating and empowering women on the law and their legal rights.

- Family law advice line 0207 251 6577 (Tuesday – Thursday 7pm – 9pm
Friday 12 – 2pm)
- www.rightsofwomen.org.uk

Men's Advice Line

Men's advice line provides and support for men experiencing domestic abuse.

- www.mensadvice.org.uk
- info@mensadvice.org.uk
- Phone 0808 801 0327
-

The Men's Advice Line is managed by Respect.

Respect

Respect is the UK association for domestic violence perpetrator programmes and associated support services. The Respect Phoneline will specialise in providing services to male perpetrators, but will also be available for female perpetrators and those in same sex relationships.

- The Respect phoneline – Freephone Tel: 0808 802 4040 respectphoneline.org.uk
- The mens Advice phoneline – Freephone Tel: 0808 801 0327
- www.respect.org.uk

DV men

Provides information and resources to help better understand DA by women and the experiences of male victims

- www.DVmen.co.uk

GALOP (formerly Broken rainbow)

LGBT Domestic Violence organisation

- Phone 0800 999 5428 help@galop.org.uk
- E mail <http://www.galop.org.uk/domesticabuse/>

Stonewall

A charity providing advice and guidance on all issues to lesbian, gay and bisexuals.

- www.stonewall.org.uk

Samaritans

Provide confidential, non-judgemental, emotional support for people experiencing feelings of distress or despair.

- Phone 116 123 (24 hours)
- Email jo@samaritans.org
- Freepost RSRB-KKBY-CYJK PO Box 9090 Stirling. FK8 2SA
- www.samaritans.org

Emergency Services

If you are concerned for your own or someone else's immediate safety ring the police on 999

APPENDIX 4

Further guidance on potential questions that can be used where domestic abuse is disclosed or suspected.

If a manager suspects that an employee is experiencing Domestic Abuse, they should facilitate a conversation to be able to discuss this and identify and implement appropriate support.

Shying away from the subject can perpetuate fear of stigma and increased feeling of anxiety. Often employees will not feel confident in speaking up, so a manager making the first move to begin a conversation can be key.

Managers should ask the employee supportive questions, to establish a relationship with the employee and develop empathy. Below are some examples of questions that could be asked;

- How are you doing at the moment? Are there any issues you would like to discuss with me?
- I have noticed recently that you are not yourself. Is anything the matter?
- Are there any problems or reasons that may be contributing to your frequent sickness absence / o under performance at work?
- Is everything alright at home?
- What support do you think might help? What would you like to happen? How?

Avoid victim blaming. It is important that managers are able to provide a non- judgemental and **supportive** environment. Respecting the employee's boundaries and privacy is essential.

Even if managers disagree with the decisions being made regarding a member of staff's relationship, it is important to understand that a victim of domestic abuse may make a number of attempts to leave their partner before they are finally able to do.

The role of the manager is not to deal with the abuse itself, but make it clear that members of staff will be supported and to outline help that is available.

(CIPD 'A Guide for Employers March 2013')

APPENDIX 5

Equality Impact Assessment



**Domestic Abuse
Policy EIA**