

Procedure for supporting staff affected by Domestic Abuse

CONTROLLED DOCUMENT

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1. Introduction

- 1.1 University Hospitals Birmingham NHS Foundation Trust (the Trust) recognises that its members of staff will be amongst those affected by domestic abuse; for example, as a survivor of domestic abuse, an individual who is currently living with domestic abuse or as an individual who perpetrates domestic abuse.
- 1.2 In line with the vision and values, the Trust is committed to developing a workplace culture in which abuse or violence is unacceptable and which recognises that the responsibility for domestic abuse lies with the perpetrator. The Trust is committed to ensuring that any member of staff who is a victim of domestic abuse has the right to raise the issue in the knowledge that they will receive appropriate support and assistance. This procedure also covers the approach the Trust will take where there are concerns that a member of staff may be the perpetrator of domestic abuse.
- 1.3 By developing an effective procedure to support staff affected by domestic abuse, and working, to reduce any related risks, the Trust can create a safer workplace and also sends out a strong message that domestic abuse is unacceptable.
- 1.4 Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992), the Trust recognises its legal responsibilities in promoting the welfare and safety of all staff. Therefore this procedure applies to all staff including agency, volunteers, students, honorary and externally contracted staff.
- 1.5 The Trust recognises that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subjected to domestic abuse. This procedure also forms part of the Trust's commitment to family friendly working, and seeks to benefit the welfare of individual members of staff.

2. Definition of domestic abuse

- 2.1 Domestic violence and abuse refers to purposeful infliction of physical and/or psychological harm on an individual aged 16 or over who is or has been in a close relationship with the aggressor e.g. partners, adult family members, cohabitants etc. Abuse can include physical aggression, verbal abuse, emotional and psychological abuse, sexual violence, economic deprivation and threats of the above. This procedure is therefore applicable whatever the nature of the relationship.
- 2.2 Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse's or partner's

property, isolation from their friends, family or other potential sources of support, control over access to money, personal items, food, transportation and the telephone, and stalking. It can also include abuse inflicted on, witnessed by or threatened against, children i.e. those under 18 years old.

2.3 Domestic abuse includes so-called 'honour' based violence, female genital mutilation and forced marriage, and victims are not confined to one gender or ethnic group.

2.4 It is important to note that:

- Domestic abuse occurs in all social classes, cultures and age groups whatever the sexual orientation, or mental or physical ability;
- Once it has started, abuse often becomes more frequent and more violent or oppressive;
- It can severely affect children, emotionally and physically;
- Victims are sometimes beaten or harassed by members of their immediate or extended family; and
- Whilst the majority of perpetrators are men, and the majority of those who experience domestic abuse are women, it does also occur against men in heterosexual relationships, in same sex relationships and against those who are bisexual or transgender.

3. Identification of the problem at work

3.1 Whilst it is for the individual themselves to recognise they are a victim of domestic abuse, there are signs which may indicate a member of staff may be a victim. These may include:

- Some obvious effects of physical abuse i.e. injuries such as bruising, emotional state (it is important not to make assumptions as these symptoms can be for a number of reasons);
- It may come to light as a result of enquiries into a drop in performance or a significant change in behaviour;
- It may reveal itself as the background to poor attendance or presenteeism (attending for work when unwell); and/or
- The member of staff may confide in their colleagues/manager.

- 3.2 It is essential to understand that any of the above may arise from a range of circumstances of which domestic abuse may be one. Managers/supervisors should address any issues compassionately and sympathetically, ensuring that the member of staff is aware that support and assistance can be provided.

4. Disclosure of abuse: confidentiality and right to privacy

- 4.1 Staff experiencing domestic abuse may choose to disclose, report to or seek support from a union representative, their line manager, or colleague. Line managers and union representatives should not counsel victims, unless trained, but can offer information, workplace support, and signpost to other organisations (see Section 10).
- 4.2 The Trust will respond sympathetically, confidentially and effectively to any member of staff who discloses that they are suffering from domestic abuse.
- 4.3 Members of staff who disclose they are experiencing abuse can be assured that the information they provide is confidential and will not ordinarily be shared with other members of staff without their permission.
- 4.4 There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or adults at risk or where the employer to protect its staff or needs to act to protect the safety of members of the public i.e. by contacting social services. Where this is seen as necessary it will discuss with the member of staff why it is doing so and it will seek the member of staff's agreement where possible.
- 4.5 Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.
- 4.6 Where domestic abuse in a same sex relationship is disclosed, due regard will be paid to the double disclosure of confidential information, particularly where the member of staff has not disclosed their sexuality in the workplace.

5. Support for individuals

- 5.1 The Trust and Staffside representatives will work together cooperatively to help staff experiencing domestic abuse; this may be through ensuring they have access to appropriate support mechanisms.
- 5.2 Line managers may offer members of staff experiencing domestic abuse a broad range of support. This may include:

- Special leave for relevant appointments, including with support agencies, solicitors, to arrange housing or childcare, and for court appointments. This however can not be unlimited and should be in line with Trust Procedures;
- Temporary or permanent changes to working times and patterns;
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role;
- Temporary redeployment or relocation;
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls;
- Using other existing policies, including flexible working;
- Access to counselling/support services; and/or
- Access to assertiveness training, or to courses developed to support victims of domestic abuse, for example The Freedom Programme (www.freedomprogramme.co.uk) or www.mensadviceline.org.uk.

5.3 Other existing provisions (including occupational health, Staff Support service) will also be signposted to staff as a means of help. Both line managers and affected members of staff may also find it helpful to access advice and guidance from the Trust's Lead Nurse for Safeguarding.

5.4 The Trust will respect the right of staff to make their own decision on the course of action at every stage. It must be recognised that the member of staff may need some time to decide what to do and may try many different options during this process. However, where the domestic abuse is impacting on the member of staff's attendance or performance, it will be important that they take seriously the recommendations and support offered by the Trust in order to cooperate in minimising the impact at work.

6. Perpetrators of domestic abuse

6.1 Domestic abuse perpetrated by Trust members of staff will not be condoned under any circumstances, nor will it be treated as a purely private matter.

6.2 If a member of staff approaches the Trust about their abusive behaviour, the Trust will provide information about the services and

support available to them, and will encourage the member of staff to seek support and help from an appropriate source.

- 6.3 The Trust will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case-by-case basis with the aim of reducing risk and supporting change. This will be subject to a risk assessment process under the normal Trust processes.
- 6.4 Any individual cautioned or convicted of a criminal offence in respect of domestic violence/abuse/wilful neglect may be subject to the Trust's Disciplinary policy and procedure; this would be particularly relevant where the individual has responsibilities around safeguarding. The Trust also reserves the right to consider the use of this procedure should a member of staff's activities outside of work have an impact on their ability to perform the role for which they are employed and/or be considered to bring their profession, or the Trust's reputation, into disrepute. In some circumstances it may be deemed inappropriate for the individual to continue in his/her current role(s), due to a caution or conviction. In these circumstances the possibility of redeployment into an alternative role can be considered.
- 6.5 The Trust's Disciplinary Procedure in conjunction with its vision and values are intended to inform all staff, irrespective of grade, of the standards of conduct expected of them. It identifies a set of principles governing behaviour by which staff members are expected to abide. Staff members are expected at all times i.e. inside or outside the Trust, to present high standards of personal integrity and conduct that will not reflect adversely on the Trust or its reputation. Hence the Trust views the use of violence and abusive behaviour by a member of staff, wherever this occurs, as a potential safeguarding issue and as such the situation would be investigated under the Trust's Disciplinary Procedure.
- 6.6 If a colleague is found to be assisting an abuser in perpetrating the abuse, for example by giving them access to facilities or contact details, then they will be seen as having committed a disciplinary offence.
- 6.7 If it becomes evident that a member of staff has made a malicious allegation that another member of staff is perpetrating abuse, then they will be seen as having committed a disciplinary offence. Disciplinary action would not be invoked if the member of staff making the allegation can be seen to have done so in good faith.

7. If the victim and the perpetrator work in the same organisation

- 7.1 In cases where both the victim and the perpetrator of domestic abuse work in the organisation, the Trust will take appropriate action, where necessary.

- 7.2 In addition to considering disciplinary action against the member of staff who is perpetrating the abuse, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace.
- 7.3 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 for one or both members of staff or withdrawing the perpetrators access to certain computer programmes or offices.
- 7.4 However, it is also recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship may choose to seek solutions jointly, and in such situations appropriate support should be given.

8. Role of colleagues

The Trust encourages all members of staff to report if they suspect a colleague is experiencing or perpetrating abuse; it may be appropriate to speak to their line manager or Staffside representative.

9. Review

This procedure will be reviewed jointly every three years unless there are changes in legislation, best practice or other organisation policies impact on its effectiveness.

10. Further guidance

Anyone using this procedure to respond to a victim or perpetrator of domestic violence should refer to further current information provided by:

www.refuge.org.uk

Refuge offers a range of services which give women and children access to professional support whatever their situation.

www.respect.uk.net

Respect is the national association for professionals working with people to end their abusive behaviour.

www.womensaid.org.uk

Women's Aid is the key national charity working to end domestic violence against women and children. They support a network of over 500 domestic and sexual violence services across the UK

www.brokenrainbow.org.uk

Support for lesbian, gay, bisexual and transgender (LGBT) people experiencing domestic violence.

www.dashriskchecklist.co.uk

DASH (Domestic abuse, stalking and harassment, and honour based violence risk assessment). A specialist support agency who can undertake risk assessments and make appropriate referrals where necessary.

www.mensadvice.org.uk

A confidential service for all men experiencing domestic violence by a current or ex-partner. This includes men in heterosexual or same-sex relationships.

www.nationaldomesticviolencehelpline.org.uk

Freephone 24-hour national helpline (0808 2000 247), run in partnership between Women's Aid and Refuge, providing a national service for women experiencing domestic abuse, their family, friends, colleagues and others calling on their behalf.

www.victimsupport.org.uk

Works locally, with specialist teams providing individual, independent, emotional and practical help to enable people to cope and recover from the effects of crime.

www.karmanirvana.org.uk

Provides immediate and ongoing support to victims of honour crimes and forced marriages.