

Guidelines for Managers and Employees for Staff Experiencing or Affected by Domestic Abuse

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**Guidelines for Managers and Employees for staff experiencing or affected by
Domestic Abuse
Version Control Sheet**

Version	Section / Para / Appendix	Version / Description of Amendments	Date	Author / Amended by
1		New Policy	26.08.2016	Fiona Milner
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Guidelines for Managers and Employees for staff experiencing or affected by Domestic Abuse

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Policy statement

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Guidelines for Managers and Employees for staff experiencing or affected by Domestic Abuse

Procedural Document Statement

Background

Lincolnshire Community Health Services NHS Trust (LCHST) aims to provide the highest standards of support for those affected by Domestic Abuse. LCHST recognizes the impact domestic abuse can have on the workforce and promotes best practice in dealing and supporting staff through this issue. The LCHST is a signatory of the Lincolnshire Domestic Abuse Charter and as such recognizes its role in providing sensitive support and safety measures for employees, patients and the workforce in general. The Policy is also designed to give managers a framework for supporting those affected by domestic abuse in a fair and sensitive manner.

The Policy is complimentary to the Your Attendance Matters, Your Performance Matters & Your Wellbeing Matters Documents.

This Policy is designed to promote fairness and consistency in the treatment of employees of LCHST

The Policy is supported by the trusts use of the Multi Agency Domestic Abuse Protocol available to all Managers & Staff. (Appendix 1)

Statement

The Trust strives to create a working environment that promotes the view that violence and abuse against people is unacceptable.

This policy applies to all staff whether employed within full time, part-time, bank or fixed term contracts irrespective of their length of service.

Responsibilities

The roles of LCHST, managers, staff, colleagues, domestic abuse lead and security & resilience manager are identified within the policy.

Training

All staff receives training about domestic abuse during induction and mandatory training updates.

LCHST will highlight the presence of this policy via these routes

Managers will have access to Specialist Domestic Abuse Practitioner to enhance knowledge and skills in this area

Dissemination

Website. Safeguarding Newsletter.

Resource implication

Within existing resource

1. Introduction

This guidance is to ensure that assistance is made available to any employee who is a victim of domestic abuse. The guidance outlines the support in place for staff affected by Domestic Abuse issues, provides guidance for the management of such issues and details of support agencies.

The Trust is committed to heightening awareness of domestic abuse and providing guidance for employees and management to address the occurrence of domestic abuse and its effects on the workplace.

The Trust strives to create a working environment that promotes the view that violence and abuse against people is unacceptable.

Any incident of violence or abuse that takes place on NHS premises must be reported.

A duty of care:

All employers have a duty of care and health and safety laws ensure workers have the right to work in a safe environment where risks to health and well-being are considered and dealt with efficiently.

There are four main areas of health and safety law relevant to violence at work:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996.

The Trust will not tolerate domestic abuse and is committed to responding sensitively and effectively to staff that require help and support and intends to make assistance available to employees affected by domestic abuse. This assistance may include:-

- Confidential and sensitive routes for accessing support in the workplace.
- Resource and referral information.
- Special considerations at the workplace for employee safety.
- Work schedule adjustments.
- Leave necessary to obtain medical, counselling or legal assistance and residential relocation.
- Offering temporary or permanent alteration to workplace, work times and patterns, helping to reduce the risk at work and on their journeys to and from work.
- Inform reception staff, switchboard or team members not to divulge information about colleagues, especially personal details such as addresses, telephone numbers or shift patterns
- Blocking e-mails / intercepting phone calls
- Carrying out a workplace risk assessment for both the individual and other

employees

- Develop a mutually agreed plan which takes account of workplace safety.

In responding to domestic abuse, the Trust will maintain appropriate confidentiality and respect for the rights of the employee involved.

The Trust will cooperate with criminal justice bodies in taking action against those perpetrating domestic abuse.

These guidelines apply to all employees equally, including “bank” employees and those employed on fixed term contracts.

Employees of 'student' or 'trainee' status, individuals employed by agencies/volunteers and other contractors will be expected to adhere to the standards required in this guidance. Issues relating to these individuals will be referred to the appropriate employer, where appropriate.

2. Definition of Domestic Abuse –(Home Office) March 2013

Domestic Abuse is defined as any incident or pattern of incidents of controlling, coercive or threatening behavior, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

The definition includes so called ‘honor’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Controlling behaviour is: a range of acts designed to make a person sub-ordinate 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.

Coercive control became an offence in December, 2015.

The extent of domestic abuse in the UK

1.4 women will be affected in their adult lifetime (the NHS employs 700,000 women)

1.6 men will be affected in their lifetime (the NHS employs 300,000 men)

75% are targeted at work via unwanted e-mails, telephone calls, texts perpetrators

turning up at work

56% are late to work at least 5 times per month

28% leave work early at least 5 times per month

54% miss at least 3 full days at work per month

There is an increase in domestic abuse in times of economic down turn

On average a victim of domestic abuse will be abused 30 times before they contact the police

3. Confidentiality

3.1 The Trust respects an employee's right to confidentiality and recognizes that employees experiencing domestic abuse normally have the right to confidentiality. However, in circumstances of child protection, the protection of vulnerable adults from abuse or criminal activity, information may need to be shared with other appropriate agencies. Reference should be made to the Safeguarding Children and Young People Policy and Procedures and Adult Protection & Safeguarding Policy and Procedures.

3.2 Disclosures relating to domestic abuse should be treated confidentially unless:

- There are concerns about safeguarding children.
- There are concerns about safeguarding vulnerable adult.
- There is a direct threat to the health or safety of other employees.
- The employee agrees to sharing information as part of the support plan.

3.3 Anti-discrimination - The Trust will not discriminate against anyone who has been subjected to domestic abuse, in terms of his or her existing employment or career development.

4 Roles and Responsibilities

4.1 Role of the Manager

Managers need to be familiar with the contents of this policy and to ensure that they provide appropriate support once an individual makes them aware of their personal situation.

Support from the manager in dealing with this may be sought from their manager, or a Human Resources advisor/manager, staff counselling service and Occupational Health. Where there are concerns of serious harm managers may wish to contact a member of the safeguarding team (Deputy Named Nurse for Domestic Abuse) or the Caldecott Guardian (Medical Director)

4.2 Role of the Safeguarding and Patient Safety Committee (SG & PSC)

THE SG & PSC is responsible for approving the policy and aiding its wider dissemination and understanding.

4.3 Role of Staff Side Organisations

Staff side organisations have a valuable role in supporting staff who are affected

by domestic abuse and are involved in the development and review of policies within the trust.

4.4 All staff should be aware of the policy and its implications and should enable those affected to feel supported in the workplace. Staff who become aware or suspect a colleague is affected by domestic abuse can assist them to gain access to appropriate help and support.

5. Disciplinary Procedure

5.1 Under the Trusts disciplinary procedure, acts of harassment or bullying of fellow employees, patients /clients, customers, suppliers or members of the public visiting the organisation, violent, threatening or abusive behavior is considered to be gross misconduct and can lead to dismissal. Employees should also be aware that conduct outside of work could lead to disciplinary action being taken because of its impact on the employment relationship.

5.2 Where the perpetrator of domestic abuse is an employee of the Trust and the Trust considers that the violence or abuse perpetrated may have an impact on patient or staff safety the Trust will consider action in accordance with the Trust Disciplinary Procedure including termination of the contract of employment.

6. Support to Staff who are Victims of Domestic Abuse

6.1 The Trust intends to make support available to employees affected by domestic abuse. The Trust can offer support through; our managers, human resources, Domestic Abuse Lead and occupational health. Support will include

- Understanding the complex issues affecting those experiencing domestic abuse
- Undertake a DASH risk assessment and referral to MARAC for staff disclosing domestic abuse, this will be undertaken by a trained professional within the safeguarding team.
- Signposting to relevant domestic abuse services.
- Assist with safety planning.
- Supporting individuals to seek counselling
- Maintaining confidentiality (subject to the requirements of safeguarding children and adults)
- Responding in a sensitive and non-judgmental manner
- Discussing the specific steps that can be taken to help this person stay safe in the workplace
- Ensuring the employee is aware of the options available to them

- Encouraging the employee to seek the advice of other relevant agencies

7. Time Off Work/Changes to Working Arrangements

7.1 The Trust is aware that domestic abuse victims may have resulting issues such as chronic absenteeism or lower productivity as a result of domestic abuse. When addressing performance and safety issues, the trust will make reasonable efforts to consider all aspects of the employee's situation and/or safety problems.

- Arranging flexible work hours so the employee can seek protection, go to court, look for new housing, enter counselling, arrange child care, and such like.
- Paid leave – late notice annual leave.
- Work schedule adjustments.
- Workplace relocation (if available)
- Special leave

7.2 Managing Sickness Absence - No absence should be discounted in relation to the Trust policy because of domestic circumstances however these should be taken into consideration in deciding how to manage sickness.

7.3 Where it is suspected that an individual's sickness absence may be attributable to domestic violence, support may be available through the Occupational Health Service, details of which can be found on the Trust's intranet.

8. Safety at work

8.1 The Trust undertakes to promote the safety of its employees. The Trust will actively provide support to employees to minimize the risk to their safety while at work, if they make it known to the Trust that they are experiencing domestic abuse the Trust will take immediate action if there is a direct threat to the health and safety of other employees.

8.2 Risk assessments and bespoke arrangements may be put in place in view of identified risk associated with lone working, entering and leaving working environments during hours of darkness and/or in isolated locations.

8.3 Where legal orders are in place to protect those affected by Domestic Abuse the Trust will support these.

The Trust will work closely with the Police and the individual affected by domestic abuse to implement a system of protection and support. The trust will give appropriate time to report breaches of legal orders if they occur.

- a. The Domestic Abuse Lead Nurse will be available to support this process in conjunction with the Security and Resilience Manager.

9. Perpetrators

9.1 Staff may also be perpetrators of domestic abuse. Domestic abuse is a serious issue and may lead to criminal proceedings. Adult and child protection policies should be considered if a manager becomes aware that a member of staff is potentially or actually perpetrating domestic abuse.

9.2 If the victim and the perpetrator are both members of staff then HR should be contacted so that appropriate action can be considered. Action will depend on individual circumstances but could include:

- temporary adjustments to duties/location of one or both members of staff
- potential action under the disciplinary policy
- advice from and or involvement of the police

9.3 Domestic abuse is always the responsibility of the perpetrator however managers should aim to support staff undertaking action to address their behavior associated with perpetrating domestic abuse, taking account always of the Trust responsibility to protect children and vulnerable adults.

The national organization Respect provides a helpline for perpetrators who want to stop abusive behavior.

10. Raising awareness in the workplace

10.1 The Trust will raise awareness of domestic abuse through the following measures:

- Publishing, maintaining and posting in locations of high visibility a list of external resources for survivors and perpetrators of domestic abuse.
- Publicising and distributing information on the Trust's policy and guidelines.
- Participating in local and national initiatives and calendar events.
- Adopting a respect/zero tolerance to abuse and violence environments.
- Staff to be made aware of the policy at induction and mandatory training.

11. Legislation

Health & Safety Act 1974

Safeguarding Vulnerable Groups Act 2006

Equality Act 2010

Domestic Violence, Crime and Victims Act 2004

Employment Rights Act 1996

Information about Local Services

Appendix 1

Boston or South Holland call 01205 311272 01205 318600

East Lindsey call 01507 609830

West Lindsey, Lincoln 01427 616219 01522 510041

North Kesteven or South Kesteven call 01427 616219

Call 999 in an emergency

Website:

<https://www.lincolnshire.gov.uk/domestic-abuse/>

Multi Agency Domestic Abuse Protocol – Resource Pack

[J:\2016-2017\LC\HS\Safeguarding\Intranet \(New 2015-2016\)\Domestic Abuse\Domestic Abuse Protocol Version 2 - July 2016 Final.pdf](J:\2016-2017\LC\HS\Safeguarding\Intranet (New 2015-2016)\Domestic Abuse\Domestic Abuse Protocol Version 2 - July 2016 Final.pdf)

Information about National Services

Appendix 2

Forced Marriage

Detailed information and Guidance about forced marriage is available from the Government Forced Marriage Unit.

Web: <https://www.gov.uk/forced-marriage>

Refuge

Refuge is a charity which runs refuges for women fleeing domestic violence it also runs a 24 hour helpline with Women's Aid

Tel: 0808 2000 247 (24 hour help line)

Web: <http://refuge.org.uk/>

Women's Aid

Women's Aid is a national charity which works to end domestic violence against women and children.

Web: <http://www.womensaid.org.uk/>

National Men's Advice Line

A national helpline for men experiencing domestic abuse

Tel: 0808 801 0327

Web: http://www.mensadviceline.org.uk/mens_advice.php

Respect Phone line

Helpline for perpetrators who want to stop abusive behaviour. Respect also provides support for male victims of domestic abuse.

Tel: 0808 802 4040

Web: www.respect.uk.net

Broken Rainbow

Information for Lesbian Gay or Bisexual or Trans people experiencing domestic abuse

Tel: 0300 999 5428

Web: <http://www.broken-rainbow.org.uk/>

Samaritans

Tel: 08457 909900

Karma Nirvana

Tel: 0800 5999 247

Forced Marriage Unit

Tel: 0207 008 0151

Appendix 3

Monitoring Template

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals/ group/ committee	Frequency of monitoring/audit	Responsible individuals/ group/ committee (multidisciplinary) for review of results	Responsible individuals/ group/ committee for development of action plan	Responsible individuals/ group/ committee for monitoring of action plan
	Audit	Safeguarding & Patient Safety Committee (SG & PSC)	Two Yearly	Deputy Named Nurse (Domestic Abuse Lead) (SG & PSC)	SG & PSC	SG & PSC

Equality Analysis

Name of Policy/Procedure/Function* Guidelines for Managers and Employees for staff experiencing or affected by Domestic Abuse.	
Equality Analysis Carried out by:	Fiona Milner
Date:	24.08.2016
Equality & Human rights Lead:	Rachel Higgins
Director\General Manager:	Maz Fosh

***In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	This policy is to ensure that assistance is made available to any employee who is a victim of domestic abuse and gives guidance to managers and employees on support and actions that can be taken.		
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? Please give details	Yes – the policy details specific information and guidance to safeguard employees and their managers to ensure domestic abuse best practice is followed.		
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? Please give details	No.		
D.	Will/Does the implementation of the policy\service result in different impacts for protected characteristics?	No.		
		Yes	No	
	Disability		X	
	Sexual Orientation		X	
	Sex		X	
	Gender Reassignment		X	
	Race		X	
	Marriage/Civil Partnership		X	
	Maternity/Pregnancy		X	
	Age		X	
	Religion or Belief		X	
	Carers		X	
	If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2			
The above named policy has been considered and does not require a full equality analysis				
Equality Analysis Carried out by:		Fiona Milner		
Date:		24.08.2016		

Section 2

Equality analysis

Title:
Relevant line in:

What are the intended outcomes of this work? <i>Include outline of objectives and function aims</i>
Who will be affected? <i>e.g. staff, patients, service users etc</i>

Evidence <i>The Government's commitment to transparency requires public bodies to be open about the information on which they base their decisions and the results. You must understand your responsibilities under the transparency agenda before completing this section of the assessment.</i>
What evidence have you considered? <i>List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations etc. If there are gaps in evidence, state what you will do to close them in the Action Plan on the last page of this template.</i>
Disability <i>Consider and detail (including the source of any evidence) on attitudinal, physical and social barriers.</i>
Sex <i>Consider and detail (including the source of any evidence) on men and women (potential to link to carers below).</i>
Race <i>Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.</i>
Age <i>Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare.</i>
Gender reassignment (including transgender) <i>Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment.</i>
Sexual orientation <i>Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people.</i>
Religion or belief <i>Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.</i>
Pregnancy and maternity <i>Consider and detail (including the source of any evidence) on working arrangements, part-time working,</i>

infant caring responsibilities.

Carers Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities.

Other identified groups Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access.

• Engagement and involvement

Was this work subject to the requirements of the Equality Act and the NHS Act 2006 (Duty to involve) ? (Y/N)

How have you engaged stakeholders in gathering evidence or testing the evidence available?

How have you engaged stakeholders in testing the policy or programme proposals?

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Summary of Analysis Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life.

Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups.

Eliminate discrimination, harassment and victimisation Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

Advance equality of opportunity Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

Promote good relations between groups Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

What is the overall impact? Consider whether there are different levels of access experienced, needs or experiences, whether there are barriers to engagement, are there regional variations and what is the combined impact?

Addressing the impact on equalities Please give an outline of what broad action you or any other bodies are taking to address any inequalities identified through the evidence.

Action planning for improvement Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Actions to improve the policy/programmes need to be summarised (An action plan template is appended for specific action planning). Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.

Please give an outline of your next steps based on the challenges and opportunities you have identified. Include here any or all of the following, based on your assessment

● **For the record**

Name of person who carried out this assessment:

Date assessment completed:

Name of responsible Director/ General Manager:

Date assessment was signed: