

Policy:

HR 033 - Managing and Supporting Employees Experiencing Domestic Abuse

Executive Director lead	Director Human Resources
Policy Owner	Head of Equality and Inclusion
Policy Author	Head of Equality and Inclusion
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Summary of policy –

This policy sets out how the Trust will respond to issues related to domestic abuse involving employees.

The changes made to this version of the policy are summarised on page 3 (amendment log)

Target audience	All Sheffield Health and Social Care NHS Foundation Trust (SHSC) staff (including staff seconded into or working into SHSC services) volunteers, governors and the Board of Directors
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Keywords	Domestic Abuse; Staff; Employees; Workplace
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Storage

This is Version 4.1 – an Equality Impact Assessment Form has been added to the Policy. This is Version 4 and is stored and available through the SHSC Intranet/Internet. This version supersedes the previous Version 3 July 2016.

Any copies of the previous policy held separately should be destroyed and replaced with this version.

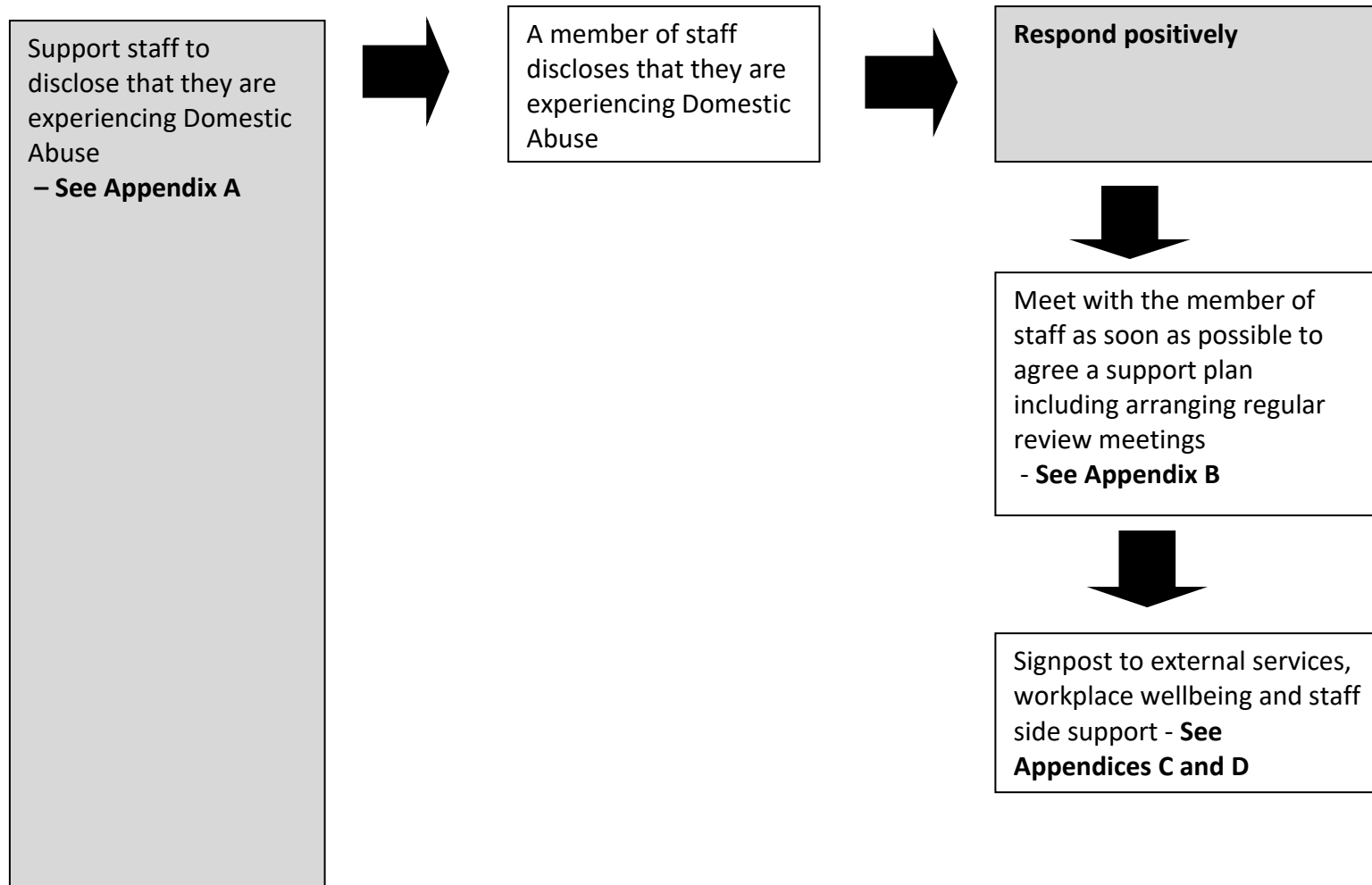
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Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
1	New policy	Jan 2014	
2	Updated	June and Dec 2015	Updated
2.1	Corrected		Section 1.3 amended to correct an inaccuracy
3	Updated	July 2016	Update to take account of changes in national policy and local multiagency services. Updated contact details for services Added Reference to: <ul style="list-style-type: none"> • Honour Based Violence (HBV) • Female Genital Mutilation (FGM)
4	Review / Consultation / Approval / Ratification / Issue	April to July 2019	<p>Full review completed as per the HR Policy Governance schedule.</p> <ul style="list-style-type: none"> • updated the definition at section 4.6. • Checked all references are correct. • Updated and checked all of the information in Appendices C and D some services websites no longer exist. The main websites remain which contain relevant information and are up-to-date. <p>The Trust's Safeguarding Lead requested the following update:</p> <ul style="list-style-type: none"> • At section 4.3 added a statement re Coercive Control (recognised as a crime since 2015). • At section 7.1.9 policy amended - risk to children in a household must be reported directly to Children's Safeguarding Hub to avoid delay in action and a hyperlink included to the Sheffield Children's Safeguarding Hub. <p>Updated policy reviewed by the Joint Policy Group (Staff Side) on 4th July 2019 – no changes or updates requested.</p>
4.1	Equality Impact Assessment Form Added	Dec 2020	An EIA Form added to Policy after an EIA Audit was carried out by Policy Governance which highlighted that this Policy should have an EIA Form as an Appendices.

Flowchart – Managing and Supporting Employees Experiencing Domestic Abuse



1. Introduction

- 1.1. This policy provides a framework for the management and support of employees experiencing Domestic Abuse.
- 1.2. Domestic violence and abuse is an issue which affects members of the workforce as well as people who use Trust services. The impact on a member of staff experiencing domestic violence and abuse is significant, but this may be an area that line managers are unclear about in terms of how to support the member of staff and the extent to which this is a personal or work-related area.
- 1.3. The Equality and Human Rights Commission note that staff experiencing domestic violence or abuse may end up being the subject to disciplinary action and even lose their jobs because of their behaviour associated with the fact they are experiencing domestic violence, for example, being late or absent from work, or concerns regarding performance. They note that:
 - 75% of women that experience domestic abuse are targeted at work – from harassing phone calls and abusive partners arriving at the office unannounced, to physical assaults.¹
 - Work may also be a ‘safe haven’
- 1.4. Walby and Allan (2004)² found that ‘among employed women who suffered domestic violence in the last year, 21 per cent took time off work and two per cent lost their jobs. Among men in this situation, six per cent took time off work and two per cent lost their jobs.’
- 1.5. When a member of staff is experiencing domestic violence or abuse this may impact on other members of the workforce.
- 1.6. Employers have a duty of care to employees under health and safety legislation to consider risks to health and well-being and deal with these appropriately.
- 1.7. The Trust is committed to heightening awareness of domestic violence and its impact in the workplace and to providing guidance for both managers and employees. The Trust is committed to assisting staff experiencing domestic violence or abuse in a confidential and sympathetic manner.

2. Scope of this policy

- 2.1. The policy is Trust-wide and is relevant to all people employed by or working in the Trust including those working in the Trust under honorary contracts and as contractors or volunteers.
- 2.2. This policy does not cover domestic abuse experienced by service users. This area is covered under the Trust Domestic Abuse policy for service users, available on the Trust internet and intranet site.
- 2.3. This policy covers domestic abuse experienced by staff irrespective of gender or sexual orientation and includes forced marriage as a form of domestic abuse.
- 2.4. Where appropriate, this policy should be used in conjunction with other Trust policies such as Flexible Working and Leave policies and taken account of when considering action under undertaking disciplinary or capability policies. The Trusts responsibility for child protection and adult protection set out in relevant Trust policies should also be considered.

¹ EHRC last accessed May 2019 <https://www.equalityhumanrights.com/en/advice-and-guidance/domestic-abuse-workplace-policies-and-managing-and-supporting-employees>

² Walby and Allen (2004)- Domestic violence, sexual assault and stalking: Findings from the British Crime Survey –Home Office Research Study 276

3. Purpose

3.1. The Trust is committed to recognising when a member of staff is experiencing domestic violence, supporting the member of staff in the workplace, maintaining information about local services and signposting the member of staff to this information.

3.2. The policy is supported by specific Guidance and Information (see Appendices A-D).

4. Definitions

4.1. Domestic Abuse

The Department of Health definition of domestic violence and abuse is:

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, 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:

- psychological
- physical
- sexual
- financial
- emotional

The definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.³

4.2. Controlling Behaviour

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.⁴

4.3. Coercive behaviour

An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim.⁵

Coercive Control which has a serious effect on a partner has been recognised as a crime since 2015.

4.4. Forced Marriage

The Foreign and Commonwealth Office and Home Office definition from the Forced Marriage and Law and the Justice System March 2013

'A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used. It is an

³ See Crown Prosecution Service website <https://www.cps.gov.uk/domestic-abuse> last accessed June 2019

⁴ See Crown Prosecution Service website <https://www.cps.gov.uk/domestic-abuse> last accessed June 2019

⁵ See Crown Prosecution Service website <https://www.cps.gov.uk/domestic-abuse> last accessed June 2019

appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights’.

[The Anti-social Behaviour, Crime and Policing Act 2014](#) makes it a criminal offence to force someone to marry, this includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place).
- Marrying someone who lacks the mental capacity to consent to the marriage (whether they are pressured to or not).

Failing to adhere to a Forced Marriage Protection Order is a criminal offence.

The civil remedy of obtaining a Forced Marriage Protection Order through the family courts will continue to exist alongside the new criminal offence, so victims can choose how they wish to be assisted

Details of the new law can be found on the [Legislation website](#).

4.5 Honour Based Violence (HBV)

Honour Based Abuse - An incident or crime which has or may have been committed to protect or defend the ‘honour’ of the family and/or community.

Honour Killing - An ‘honour’ killing is sometimes carried out when victims are perceived to have caused irreversible dishonour to the family name by engaging in Western behaviours. It could be that the victim has a boyfriend or has refused an arranged marriage.⁶

4.6 Female Genital Mutilation (FGM)

Female Genital Mutilation (FGM) is a collective term for a range of procedures which involve partial or total removal of the external female genitalia for non-medical reasons. It is sometimes referred to as female circumcision, or female genital cutting.⁷

Please see SHSC Safeguarding Children Policy for guidance where a child is at risk.

5. Detail of the policy

The broad overview of this policy is as described in the introduction.

⁶ See Crown Prosecution Service website <https://www.cps.gov.uk/domestic-abuse> last accessed June 2019

⁷ See Crown Prosecution Service website <https://www.cps.gov.uk/domestic-abuse> last accessed June 2019

6. Duties

- 6.1. All staff should be aware of the policy as it applies to them as individual members of staff or volunteers.
- 6.2. All staff with leadership / managerial responsibilities must be aware of this policy and its related procedures and guidance and ensure that it is applied in their area of responsibility.
- 6.3. Specialist staff for example in areas such as HR, workplace wellbeing etc. should have a good working knowledge of the policy and related procedures and guidance.
- 6.4. The Equality and Inclusion Lead is responsible for ensuring the policy is up to date.

7. Process

7.1. Supporting Staff

- 7.1.1 Managers of staff should be aware of the impact of domestic abuse on members of staff and the definitions of domestic abuse set out in section 3.
- 7.1.2 Managers should be mindful of potential indicators of domestic abuse when dealing with HR issues – see **appendix A**
- 7.1.3 Where an employee discloses that they are experiencing domestic abuse the employee should be believed.
- 7.1.4 Revelations relating to domestic abuse should be treated confidentially unless:
 - There are concerns about safeguarding children.
 - There are concerns about safeguarding adults (at risk).
 - The employee agrees to the information being shared as part of a plan of support.
 - There is a direct threat to the health or safety of other employees.
- 7.1.5 Where a manager believes that confidentiality should be broken they should wherever possible explain their reasons to the member of staff.
- 7.1.6 When an employee discloses that they are experiencing domestic abuse the manager should meet with the employee as soon as possible to discuss how to support the employee. See **appendix B**
- 7.1.7 As part of a support plan the manager may authorise reasonable emergency time off, on a similar basis to the carer leave provisions in the Leave Policy, for example for the member of staff to move to safe premises.
- 7.1.8 As part of a support plan the manager may agree flexible working.
- 7.1.9 If a manager becomes aware that there are children or vulnerable adults in the employee's family who may be at risk from the perpetrator the manager should report directly to the [Children's Safeguarding Hub](#) to avoid a delay in action.

7.2. Perpetrators

- 7.2.1 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.
- 7.2.2 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

- 7.2.3 Domestic abuse is always the responsibility of the perpetrator however managers should aim to support staff undertaking action to address their behaviour associated with perpetrating domestic abuse, taking account always of the Trust responsibility to protect children and vulnerable adults.
- 7.2.4 The national organisation Respect (Phone Line) provides a helpline for perpetrators who want to stop abusive behaviour **(see appendix D)**.

7.3 Maintaining a HR Contact and Providing Information and Training

- 7.3.1 The Trust Safeguarding Team will identify a contact to maintain up to date information about local services and advice.
- 7.3.2 The Trust Safeguarding Team will maintain information for managers and staff to access on the Trust intranet and in publicise local domestic abuse services.
- 7.3.3 Staff new to the organisation will be made aware of this policy at induction as part of the comprehensive safeguarding training.
- 7.3.4 Specific team training will be provided by the SHSC Safeguarding Team as requested

7.4 Police Involvement

Where a perpetrator is threatening the victim or other staff the police should be involved in the same way as any other situation where staff are threatened.

8. Development, consultation and approval

V1-2 - The policy was developed using existing policies in other Trusts as a starting point. The policy also took account of guidance published by the Equality and Human Rights Commission. Original Consultation took place between June 2013 and September 2013.

The process included:

- Consideration of the draft policy through the Trust Joint Consultative Forum
- Discussion with the Trust Safeguarding service who were updating the Trust Safeguarding Policy
- The Trust Operational Directors to cascade

Outcome of original consultation

1. It was agreed to ensure an interface between information in the Trust's Safeguarding Policy which covers domestic abuse involving Trust Service Users.
2. JCF suggested that all staff should receive some sort of training on the policy. It was agreed that a leaflet would be produced.
 - The policy was amended to reflect links and support available from Staff Side, support available from Workplace Wellbeing and the Trust position with regard to staff who are perpetrators.

V3 - Changes suggested agreed and reviewed through Multi-agency Domestic Abuse Group. The policy was developed using existing policies in other Trusts as a starting point. The policy also took account of guidance published by the Equality and Human Rights Commission. Original Consultation took place between June 2013 and September 2013.

The process included:

- Consideration of the draft policy through the Trust Joint Consultative Forum
- Discussion with the Trust Safeguarding service who were updating the Trust Safeguarding Policy
- The Trust Operational Directors to cascade.

Outcome of Consultation

1. It was agreed to ensure an interface between information in the Trusts Safeguarding policy which covers domestic abuse involving Trust Service Users.
2. JCF suggested that all staff should receive some sort of training on the policy. It was agreed that a leaflet would be produced.
3. The policy was amended to reflect, links and support available from Staff Side, support available from Workplace wellbeing, the Trust position with regard to staff who are perpetrators.

Changes were suggested and agreed and reviewed through Multi-agency Domestic Abuse Group via SHSC Safeguarding Team.

V4 - current version. Full review completed as per the HR Policy Governance schedule.

- updated the definition at section 4.6.
- Checked all references are correct.
- Updated and checked all of the information in Appendices C and D some services websites no longer exist. The main websites remain which contain relevant information and are up-to-date.

Reviewed by the Trust's Safeguarding & MARAC Lead who requested the following additions / changes:

- At section 4.3 added a statement re Coercive Control (recognised as a crime since 2015).
- At section 7.1.9 policy amended - risk to children in a household must be reported directly to Children's Safeguarding Hub to avoid delay in action and a hyperlink included to the Sheffield Children's Safeguarding Hub.

Updated policy reviewed by the Joint Policy Group (Staff Side) on 4th July 2019 – no changes or updates requested.

9. Audit, monitoring and review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
Use of the policy	Reports from HR Business Partner and HR Advisers but no formal monitoring	Head of Equality and Inclusion	At review	HR Senior Managers Group	HR Senior Managers Group	HR Senior Managers Group

The policy review date is 31st July 2023.

10. Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
Upload new policy onto intranet and internet and remove and archive the old version.	Communications Team via Policy Governance	July 2019	03/10/2019
Make HR Team and wider Trust aware of new policy.	Head of Equality and Inclusion - via HR Advisers and - an email briefing to all staff via Connect (Communications Team).	July 2019	October 2019
Ensure Safeguarding Team are aware of new policy.	Head of Equality and Inclusion	July 2019	October 2019

11. Dissemination, storage and archiving (version control)

Version	Date on website (intranet and internet)	Date of entry in Connect (all staff communication)	Any other promotion/ dissemination (include dates)
1	January 2014	January 2014	
2	June 2015	June 2015	
2.1	December 2015	December 2015	
3	August 2016	August 2016	
4	July 2019	July 2019	HR intranet page July 2019

This is Version 4 and is stored and available through the SHSC Intranet/Internet.

This version supersedes the previous Version 3 July 2016.

Any copies of the previous policy held separately should be destroyed and replaced with this version.

All versions of HR policies are stored on the HR Shared Drive by the policy author and the PA to the Director of Human Resources.

12. Training and other resource implications

A briefing will be given via email (in Connect) to all staff to ensure they are aware of the latest policy.

Reference will be made to the policy in relevant training such as recruitment.

13. Links to other policies, standards, references, legislation (associated documents) and national guidance

- Managing Sickness Absence Policy
- Capability Policy
- Health and Safety Policy Statement
- Incident Reporting Policy
- Leave Policy
- Flexible Working Policy
- Equal opportunities and Dignity at Work Policy
- Safeguarding Children
- Safeguarding Adults

14. Contact details

Job Title	Name	Phone	Email
Head of Equality and Inclusion	Liz Johnson	EX16703	Liz.johnson@shsc.nhs.uk

Appendix A – Supporting Staff to discuss Domestic Violence or Abuse

1. Put up domestic abuse helpline posters on the back of toilet doors.
2. Look for sudden changes in behaviour and/or changes in the quality of work performance for unexplained reasons despite a previously strong record
3. Look for changes in the way an employee dresses i.e. excessive clothing on hot days, changes in the amount of make-up worn
4. Be aware of the information available on the intranet and this guidance
5. Your Trade Union may be able to offer support and assistance.
6. Contact SHSC Safeguarding office for advice.
7. Keep a record of any incidents of abuse on work premises, including persistent telephone calls, emails or visits to the workplace.
8. Arrange for and provide regular one to one meetings with the member or staff to review the situation.
9. Have a list of support services that is easily accessible and refer employees to appropriate organisations that deal with domestic abuse.
10. The Trust Head of Equality and Inclusion and the Trust Safeguarding Lead can provide specific additional advice. Please see the Trust intranet pages for contact details

Appendix B – Responding to and Supporting Staff Experiencing Domestic Violence

Responding and Supporting

1. When a member of staff discloses experiencing domestic abuse take it seriously and recognise your responsibilities to provide support.
2. Reassure the employee that the organisation has an understanding of how domestic abuse may affect their work performance and the support that can be offered
3. Arrange to meet with the employee to develop a plan to support the employee. This could involve:
 - 3.1. Agreeing flexible working – for example changing the time an employee starts and finishes work.
 - 3.2. Agree time off at short notice to support an employee who may need to leave their home at short notice or make arrangements – for example to move to a refuge.
 - 3.3. Make arrangements to divert phone calls and/or email messages and look to change a phone extension if an employee is receiving harassing calls.
 - Women’s Aid have produced a guide on **Digital Stalking**
<http://www.womensaid.org.uk/page.asp?section=00010001001400120002>
 - 3.4. Agreeing with the employee what to tell colleagues and how they should respond if their ex/partner telephones or visits the workplace.
 - 3.5. Ensuring the employee does not work alone or in an isolated area and discuss with the member of staff arrangements for getting safely to and from home.
 - 3.6. Discuss risk and complete a risk assessment - involve security if needed.
 - 3.7. Advise the employee about workplace wellbeing and occupational health.

Appendix C – Information About Services Available in Sheffield

Please note - The information in this section was correct when the policy was updated in June 2019. Information and contact details do change however. If you find that you cannot contact a service listed please speak to the SHSC Safeguard Office on **0114 2718418** they will have the most up to date information available.

Sheffield Domestic Abuse Partnership Website

This site contains a range of information, it has a hide your tracks and leave this website button for people who may be concerned about an abuser finding out that they have used the site.

<http://sheffielddact.org.uk/domestic-abuse/>

The web site also provides details of a range of services – please use this web site as it will have the most up to date information available

<https://sheffielddact.org.uk/domestic-abuse/get-help/>

Independent Domestic Abuse Services (IDAS) - Sheffield Domestic Abuse Helpline

Sheffield Domestic Abuse Helpline on 0808 808 2241

E-mail info@idas.org.uk

This is available 8am – 8pm (not bank holidays), Saturday 9am - 5pm

The helpline offers:

- Advice, support and safety for people experiencing domestic and sexual abuse
- A service to women, men, children, young people, practitioners and worried family members
- Up-to-date access to services in Sheffield and available refuge spaces

Appendix D – Information about National Services

Emergency Injunctions

The National Centre for Domestic Violence will support someone to obtain an emergency injunction free of charge. They also provide a range of resources that can be ordered free of charge. This service is available regardless of financial circumstances, race, gender or sexual orientation.

Please visit the web site for the most up to date contact details

Web - <http://www.ncdv.org.uk/contact-us/>

Forced Marriage

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

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

National Men’s Advice Line

A national helpline for men experiencing domestic abuse

- **Tel** – 0808 801 0327
- **Web** - <http://www.mensadvice.org.uk/>

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.org.uk

Galop

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

- **Tel:** 0300 999 5428
- **Web:** <http://www.galop.org.uk>

Appendix E

Equality Impact Assessment Process and Record for Written Policies – Manging and Supporting Staff Experiencing Domestic Abuse

Stage 1 – Relevance - Is the policy potentially relevant to equality i.e. **will this policy potentially impact on staff, patients or the public?** This should be considered as part of the Case of Need for new policies.

<p>NO – No further action is required – please sign and date the following statement. I confirm that this policy does not impact on staff, patients or the public.</p>	<p>I confirm that this policy does not impact on staff, patients or the public. Name/Date:</p>	<p>YES, Go to Stage 2 Yes</p>
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Stage 2 Policy Screening and Drafting Policy - Public authorities are legally required to have ‘due regard’ to eliminating discrimination, advancing equal opportunity and fostering good relations in relation to people who share certain ‘protected characteristics’ and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don’t know and note reasons). Please see the SHSC Guidance and Flow Chart.

Stage 3 – Policy Revision - Make amendments to the policy or identify any remedial action required and record any action planned in the policy implementation plan section

SCREENING RECORD	Does any aspect of this policy or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
Age	NO	Yes – Highlighting that domestic violence may occur at any age	NO
Disability	NO	No	NO
Gender Reassignment	NO	No	NO
Pregnancy and Maternity	NO	Yes – Highlighting increased risk of Domestic Violence during pregnancy	NO
Race	NO	Yes – Inclusion of accurate information about forced marriage	NO
Religion or Belief	NO	No	NO
Sex	NO	Yes – Highlighting that men may experience domestic violence	NO
Sexual Orientation	NO	Yes – Highlighting that domestic violence may occur in same sex relationships	NO