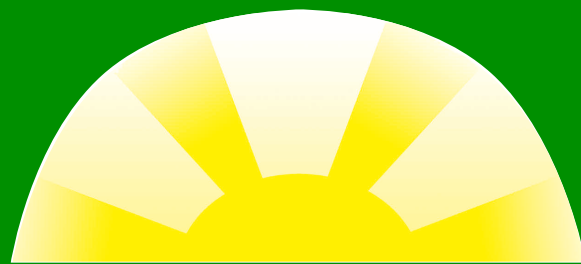


DOMESTIC ABUSE

WORK PLACE

TOOLKIT

A GUIDE FOR EMPLOYERS



**PRODUCED BY ASHFORD DOMESTIC ABUSE FORUM
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Contents of this tool kit are suggested examples of good practice for businesses to consider when dealing with domestic abuse within the workplace.

INTRODUCTION

WHY IS DOMESTIC ABUSE A WORKPLACE ISSUE?

Domestic Abuse:

'Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been, intimate partners or family members, regardless of gender or sexuality.'
(Home Office)

Domestic abuse in the workplace is a broad concept that encompasses behaviour that occurs both on and off the work site. Domestic abuse in the workplace includes all behaviour that interferes with an individual's capability of safely and securely performing their duties at work. It includes all kinds of conduct ranging from harassing, repeated telephone calls, emails or text messages to the workplace, through to homicide.

Domestic abuse in the workplace also includes conduct that occurs outside of the workplace, such as sleep deprivation and physical injuries (breaking fingers, etc.) which impact on an individual's ability to perform their job. A perpetrator's interference in the workplace or in the work success of their victim is one of many means by which they exercise and display their desire and ability to exert power, control and influence.

Experiencing domestic abuse reduces a person's capacity and capabilities in many ways, one of which is the ability to work. This may include:

- lost days at work as a result of injuries inflicted by (ex) partner or family member;
- tiredness due to sleep deprivation by abusive (ex) partner or family member;
- intense harassment from (ex) partner or family member while at work;
- fear, anxiety, depression;
- time spent seeking help;
- appointments with doctors, solicitors, social service agencies, etc;
- time away from work for court hearings;
- need to change locations to escape an abusive (ex) partner or family member.

WHAT ARE THE COSTS OF DOMESTIC ABUSE TO THE WORKPLACE?

Kent Police record **21,000** incidents of domestic abuse each year but research informs us that most victims do not contact the police and that the number of incidents across the county is likely to be over **50,000** every year.

If there was only a sickness absence of three days per case, workdays lost through domestic abuse across Kent could amount to **150,000 days** per year.

It has been estimated that the cost to Kent employers each year totals a minimum of **£80,171,910** or **£152.53 per minute** around the clock. This figure is derived only from the cost of sickness absence by injuries sustained by their employees due to domestic abuse.

Additional costs that result from reduced productivity or poor work performance, costs of relocating an employee who needs that assistance in escaping an abuser; and time away from work for court or social services appointments are not included. Additionally employers should take into account lost productivity by employees who are perpetrators of domestic abuse and use company time and resources to track, harass, and stalk their (ex) partner or family member; miss work due to arrest and/or court appearances; or those that have to be relocated because of an injunction.

Employment losses affect the individual, the employer, the Government, as well as society more generally. Productivity is lost as a result of poor work performance or inability to concentrate. More and more employers recognise that personal, "real life" problems affect job performance, and job performance affects productivity and offer employees a range of assistance programmes to help them deal with issues such as drug and alcohol addiction, family problems, and find that doing so is ultimately more cost-effective than leaving the employee to solve these problems on their own.

LEGAL RESPONSIBILITIES OF EMPLOYERS

Employers must be clear that much behaviour involved in domestic abuse are criminal offences, (e.g. stalking/harassment, threats to kill, assaults, rape) and domestic abuse should be treated with the same degree of seriousness as any form of harassment, violence or abuse. This provides an explicit statement that offers reassurance to employees experiencing domestic abuse and acts as a warning to perpetrators.

Employers have an obligation to ensure the health, safety and welfare at work of employees so far as is reasonably practicable and must assess the risks and make arrangements for health and safety. An employer will also want to guard against the possibility of the employee making a claim for personal injury or discrimination suffered in the workplace or for constructive dismissal.

A contract of employment contains an implied term that the employer will take reasonable care for the employee's safety.

- In **Common Law** an employer is under a duty to take reasonable care for the safety of employees in all circumstances so as not to expose those employees to unnecessary risk.
- **Statutory obligations** state that it is the duty of every employer to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all employees. In particular, the provision and maintenance of a working environment for employees that is without risk to health, adequate as regards facilities and sufficient for their welfare.

By working to mitigate the risks related to domestic abuse, a company will also create a safer workplace for anyone experiencing abuse. It will also send a powerful message to society that domestic abuse is unacceptable, and that responding to it makes good business sense.

DOMESTIC ABUSE - EXAMPLE DRAFT POLICY

POLICY STATEMENT

(Business name) recognise that domestic abuse is a serious issue and that incidents of domestic abuse are common and critically affect many people's lives. (Business name) acknowledges that domestic abuse can affect an individual's work performance and that (Business name) as an employer has a responsibility for health, safety and welfare at work.

(Business name) is committed to tackling domestic abuse as its effects become apparent in the workplace. The effects of domestic abuse can influence the health and self-confidence of staff who may in turn feel unable to confide in others or seek help. Many of those that experience domestic abuse have difficulty attending work regularly and demonstrate longer term symptoms such as depression, anxiety, or stress that consequently affect work performance. (Business name) recognise that it is important to be aware of domestic abuse as a possible cause when staff are depressed, distracted, lacking in self-confidence or visibly injured. (Business name) therefore strives to create a working environment that promotes the view that everyone has the right to a life free from abuse in any form and that violence against people is unacceptable.

DEFINITION

Domestic abuse is about the misuse of power and exercise of control by one adult over another adult within the context of an intimate or close family relationship.

For the purposes of this policy, domestic abuse is defined as "Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, regardless of gender or sexuality, who are or have been, intimate partners or in a close family relationship such as parents or adult children". This policy is therefore applicable whatever the nature of the intimate relationship.

It is recognised the majority of those affected are women, although a significant proportion affects men and this policy applies to men and women equally.

SCOPE

Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992), (Business name) recognise its legal responsibilities in promoting the welfare and safety of all staff. Therefore this policy applies to all (Business name) employees including agency and contract staff.

SUPPORT and CONFIDENTIALITY

(Business name) recognises that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subject to domestic abuse in terms of current employment or career development.

As a responsible employer (Business name) believes it is important to promote the understanding that everyone has the right to a life free from abuse in any form and that domestic abuse is wholly unacceptable and inexcusable.

(Business name) are aware that the challenges that domestic abuse victims face can manifest themselves in problems such as chronic absenteeism or lower productivity.

That is why when addressing performance and safety issues (Business name) will make reasonable efforts to consider all aspects of the employee's situation and/or safety problems to support them through a challenging time. Information/training will be provided to key supervisors to enable them to provide initial support to anyone who is experiencing or has experienced domestic abuse. This ensures that employees can raise the issue in the knowledge that the matter will be taken seriously.

There are some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where an employer needs to act to protect the safety of employees. In these circumstances the employer will discuss with the employee the reason for disclosing any information to a third party and will seek the employee's agreement where possible.

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.

PERPETRATORS OF DOMESTIC ABUSE

Employees are expected at all times to conduct themselves in a way that will not adversely reflect on the business and its reputation. Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. Perpetrating domestic abuse whilst in the workplace may breach of 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.

(Business name) will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case-by-case basis. The aim is to reduce risk and support change recognising their role in encouraging and supporting employees to address violent and abusive behaviour of all kinds. If an employee approaches (Business name) about their abusive behaviour, information about services and support available will be provided.

Confidentiality will be maintained and information restricted only to those who have a need-to-know.

There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where an employer needs to act to protect the safety of employees.

IF THE VICTIM AND PERPETRATOR WORK FOR THE SAME EMPLOYER

In cases where both the victim and perpetrator of domestic abuse work for the same employer (**Business name**) will take appropriate action including: -

- Consider utilising different office/shop-floor locations, working hours, shift patterns etc.
- Minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim
- Offer impartial support and where possible ensure both the victim and perpetrator have different line supervisors who are able to provide appropriate information to each party.

RAISING AWARENESS

(**Business name**) will raise awareness of domestic abuse by publicising external resources for survivors and perpetrators of abuse alongside of this policy document.

REVIEW

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

COMPLIANCE WITH THIS POLICY

(**Business name**) expects all employees to ensure that the policy and its procedures are strictly observed at all times.

Signed on behalf of (**Business name**) by:

Position:

Date:

Review Date:

DOMESTIC ABUSE - FACTS AND FIGURES

Domestic violence is a serious crime and public health issue affecting one in four women and one in six men in their lifetime, with women suffering higher rates of repeat victimisation and serious injury. Over 89% of those who suffer four or more incidents of domestic abuse are women. (Home Office, 2006; Home Office Research Study 276 'Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey', March 2004)

For women aged 19-44 years, domestic abuse is the greatest cause of morbidity, greater than cancer and vehicle accidents. (Home Office, 2005)

Domestic abuse happens in all sections of society irrespective of race, culture, nationality, religion, sexuality, disability, age, class or educational level, however findings from the 2007/08 British Crime Survey (BCS) indicated that the likelihood of being a victim of any domestic abuse tended to increase with decreasing household income.

(Home Office Statistical Bulletin: 'Homicides, Firearm Offences and Intimate Violence 2007/08')

Women living in households with an income of less than £10,000 were at particularly high risk of any domestic abuse; whilst men and women living in areas where physical disorder was assessed as high and in rented accommodation were more likely to be victims of any domestic abuse in the past year.

(Home Office Statistical Bulletin: 'Homicides, Firearm Offences and Intimate Violence 2007/08')

Domestic violence accounts for between 16% and one quarter of all recorded violent crime. (Home Office, 2006)

'Violent breakdown of relationship' is a factor in around 16% of homelessness acceptances every year and women who experience domestic abuse may be forced to move repeatedly to get away from the perpetrator. (Crisis Report: Homeless women: still being failed yet striving to survive, 2006)

Research shows that domestic abuse is a factor in the lives of 75% of children on the Child Protection Register and at least 750,000 children a year witness domestic violence, nationally. (Department of Health, 2002; United Nations: World Report on Violence Against Children, 2006)

Whilst 75% of domestic abuse cases result in physical injury or mental ill health and between 50% and 60% of women mental health service users have experienced domestic violence, and up to 20% will experience recurring abuse. (Department of Health: Responding to domestic abuse handout; Bowstead, Janet (2000) Mental health and domestic violence; Department of Health (2003) op.cit.)

One incident is reported to the police every minute. (Stanko, 2000)

In any one year there are 13 million separate incidents of physical violence or threats of violence against women from partners or former partners. (Walby and Allen, 2004)

On average 2 women a week are killed by a male partner or former partner: this constitutes around one-third of all female homicide victims. (Povey, (ed.) 2004, 2005, Home Office, 1999; Department of Health, 2005)

DOMESTIC ABUSE GUIDANCE NOTES - Example Questions and Answers

1. How do you know when someone may be suffering from domestic abuse?
2. How should a manager raise the issue if they think a member of staff may be being abused?
3. How should a manager raise the issue if they think a member of staff may be being abused and there aren't any specific performance issues?
4. What if an employee discloses the abuse?
5. What can be done if an employee requests time off work to deal with a domestic abuse situation?
6. What other effective ways of helping them should be considered?
7. What if the employee requests a change of workplace/job?
8. What if a member of staff has left home and is staying in a refuge?
9. What if an employee says they will not be contactable for a short while?
10. What can be said to the rest of the team?
11. What if the abuser does attempt to harass the employee in the workplace?
12. If the alleged abuser attempts to make contact or harass the staff member, should the police be called?
13. Should incidents be recorded?
14. What if an employee is suspected of being a perpetrator of domestic abuse?
15. What if an employee admits to being a domestic abuser and asks for help?
16. What if an incident takes place at work where the abuser is an employee?
17. What if it is a one-off incident and the abuser makes reassurances that it will never happen again?
18. What about confidentiality?
19. Why do people stay in violent and abusive situations?

Suggested Answers

1. How do you know when someone may be suffering from domestic abuse?

A. Be alert to possible signs: changes in behaviour and work performance, lack of concentration, increased or unexplained absences, receiving harassing phone calls, bruises or injuries that are unexplained or come with explanations that may seem unlikely.

2. How should a manager raise the issue if they think a member of staff may be being abused?

A. It may be that there has been a decline in their work performance. If this is the case, raise the issue with the employee and sensitively acknowledge that personal problems can sometimes affect performance.

Address both the performance problem and concern about the employee's personal problems by: -

- finding a private space to talk
- clearly identifying the performance problems
- suggesting ways that good performance can be achieved. Identifying any training needs, being clear about the performance review process and discussing possible outcomes
- if there are clear signs of abuse, gently encouraging the employee to discuss what may be upsetting them
- whether or not they disclose the abuse, offering information on how to get help (a list of referral agencies is to be found at the end of this document).

If the employee does disclose that they are suffering from domestic abuse, acknowledge that domestic abuse is a difficult situation to deal with. Let them know you can work together on performance in the future.

Remember a supervisor's enquiry into performance problems that may be related to domestic abuse needs to be sensitive, empathetic, and have due regard to an employee's right to privacy.

3. How should a manager raise the issue if they think a member of staff may be being abused and there aren't any specific performance issues?

A. Managers need to try to draw out information without being intrusive. Demanding inquiries about possible abuse may be perceived as a threatening intrusion into an employee's personal life. Talking about domestic abuse can be emotionally charged for both the person being abused and the listener, and needs to be handled with sensitivity. Steps can be taken to gently encourage the employee to disclose without forcing the disclosure. The following steps are suggestions for bringing up the possible abuse:

- Let the employee know what you have observed. *'I noticed the bruises you had last week and you look upset and worried today'*.
- Express concerns that the employee maybe being abused. *'I thought it possible that you are being hurt by someone and I am concerned about you'*

If the employee declines to reveal the abuse, do not question or speculate further. Information on sources of help can be given at the end of the conversation.

4. What if an employee discloses the abuse?

A. You need to be as supportive as possible without being judgmental. It is not constructive to attribute blame. Instead you should offer support without trying to persuade them to take any form of action. The individual needs to decide what action to take next. When s/he has decided what s/he wants to do, you should make every effort to provide as much support as possible.

This may include meeting regularly to discuss the problem and giving emotional support, arranging time off, arranging an alternative workplace if required, and recommending other resources.

You should make the employee aware that the Company is committed to assisting employees experiencing domestic abuse and will do all it can to provide a safe and supportive working environment.

It is important for managers to describe: -

- Their concern for the person and the support available
- That the information that the individual has chosen to share will be kept confidential (as far as the law allows)
- The help available for them to manage work issues

5. What can be done if an employee requests time off work to deal with a domestic abuse situation?

- A.** Any request should always be considered seriously and sensitively. Using personal or compassionate leave, annual or unpaid leave should be considered alongside any possible flexible leave arrangements as appropriate. Alternative arrangements to cover their work should be made if necessary to avoid putting any extra pressure on the employee at a sensitive time.

6. What other effective ways of helping them should be considered?

- A.** Managers should respond to any disclosure of abuse in a sensitive and supportive way. Ask the employee if there is anything specific that is causing problems and work together to find a solution. Practical examples include moving the individual's desk away from a window or off the ground floor, having telephone calls filtered, ensuring whoever will be answering the phone is briefed on what to say should they receive any unwanted calls. Try to be flexible with start and finish times if they are concerned about the perpetrator waiting for them to arrive at/leave work. Taking a pragmatic approach will reassure the person that the Company wishes to provide a safe and supportive working environment.

7. What if the employee requests a change of workplace/job?

- A.** Serious consideration should always be given to whether this is possible. This may mean having to discuss the issue with higher-level management. If this is required, agreement should always be sought from the employee before sharing any information.

If an employee is relocated, the move should be handled as confidentially as possible with no information of the new workplace being given to anyone other than those who specifically need to know.

8. What if a member of staff has left home and is staying in a refuge?

- A.** It is important that you maintain contact with the employee. Employees may be concerned that their address or contact number is given to the perpetrator. They need to be reassured that only those people who really need the information are given their new address and/or telephone number and that, under no circumstances, will details be given to the perpetrator. You should only inform those who really need to know of the new details and inform the team that they should, under no circumstances, divulge personal details to anyone.

Maintaining the employee's right to confidentiality is vital.

9. What if an employee says they will not be contactable for a short while?

- A.** It is important that a timescale is agreed with the employee at the end of which s/he will contact and update their manager on their situation. It is not acceptable for an employee to take an unlimited amount of time off work without having any form of contact. You should put arrangements in place for the employee to make contact at least once a week to keep you informed and updated on their situation.

10. What can be said to the rest of the team?

- A.** The employee's right to confidentiality is paramount. However, you should always discuss and agree with the individual what can be shared with the rest of the team. It may be necessary to provide the team with a certain amount of information to make them aware that the perpetrator may try to approach them for information on the employee's whereabouts or attempt to contact the employee in the workplace. Clear instruction should be given about what the team should or should not do or say in these circumstances.

11. What if the abuser does attempt to harass the employee in the workplace?

- A.** Under Health & Safety legislation an employer, has a duty to ensure the health, safety and welfare at work of employees. If a manager becomes aware that an individual is likely to attempt to harass an employee in the workplace, they need to consider what security measures can be put in place to ensure safety.

This can include screening telephone calls, changing email addresses, moving the staff member to a desk away from a window, or to an office that is not visible from outside. All visitors should be screened and any security staff informed of any potential problem visitors. If a staff member who is disabled moves workstation or office then any adjustments should be moved too.

12. If the alleged abuser attempts to make contact or harass the staff member, should the police be called?

- A.** If it is identified that there is a reasonable risk that a violent incident may occur at the workplace, the police should be informed as they may be aware of the alleged abuser and be familiar with their patterns of violence. The victim should always be informed and, if possible, their consent obtained beforehand. Their own assessment of the level of threat should be considered and factored into the decision-making process.

The police should always be called following any incident of violence or threatening behaviour in the workplace.

13. Should incidents be recorded?

- A.** A record should always be kept, as this may be useful to the victim in any future legal action they may wish to take.

14. What if an employee is suspected of being a perpetrator of domestic abuse?

- A.** Particular considerations arise when an employee is identified as being a perpetrator of domestic abuse, especially if the victim is an employee as well. Incidents that occur outside of the workplace are difficult to deal with unless criminal action has been taken. It may then be possible to consider how a conviction would impact on their position within the company.

Either way, an abuser who is an employee needs to be made aware of the Company's commitment to supporting staff experiencing domestic abuse and that any misconduct outside of work may also lead to disciplinary action in work.

15. What if an employee admits to being a domestic abuser and asks for help?

- A.** They can be referred to support agencies such as Respect, the national association for domestic violence perpetrator programmes.

16. What if an incident takes place at work where the abuser is an employee?

- A.** If an incident occurs within the workplace action should be taken under the Harassment and/or Disciplinary Procedure and dismissal may well be a justified outcome.

Where both the alleged abuser and victim are employees, the situation is more difficult to deal with as there is a duty to maintain the trust and confidence of both employees, however, action must always be taken against the abuser in line with the above mentioned procedures.

17. What if it is a one-off incident and the abuser makes reassurances that it will never happen again?

- A.** The person needs to be made aware of The Company's position on domestic abuse and be encouraged to seek help for any specific problems.

18. What about confidentiality?

- A.** Both victims and perpetrators of domestic abuse have a right to confidentiality as far as the law allows. However, when managers have serious concerns over the welfare of any children or adults who may be at risk or in danger the manager has a duty to relay those concerns to the appropriate agency e.g. Kent Police or Kent Children's Social Services contact numbers are to be found at the back of this document

It is important managers create a non-judgemental and supportive environment to encourage employees to seek advice and support with their problems. Maintaining confidentiality is an integral part of creating this environment.

19. Why do people stay in violent and abusive situations?

A. It can be frustrating when an employee returns to their abuser or remains in an abusive relationship. It is important to understand that there are many reasons for these decisions:

- ❑ most often they fear for their life
- ❑ they cannot afford to move out and support themselves and their children
- ❑ they feel responsible for keeping the family together
- ❑ they want the violence to stop, not the relationship
- ❑ they fear that friends won't believe and support them
- ❑ they are made to feel guilty and that the abuse is their fault
- ❑ the abuser may threaten to kill the victim or commit suicide
- ❑ with damage to their self-esteem, they don't think that they can make it on their own
- ❑ the abuser promises never to hurt them again and begs them to stay.

Asking why people stay in violent situations is placing blame on the victim.

Attitudes need to be reinforced that place the responsibility where it belongs - with the abuser.

In conclusion, it is important that managers and personnel staff respond to domestic abuse in a practical and supportive way.

INFORMATION & SUPPORT CONTACT NUMBERS

Immediate Help
Police 999

Non-Emergency
Kent Police - 01622 690690 ask for local Domestic Abuse Police Officer

Kent Children's Social Services
0845 8247247

Local Information and Support

Ashford Domestic Abuse One Stop Shop - Drop-in service providing advice, information and support from a range of agencies under one roof every Tuesday 9.30-12.30 The Willow Centre 28 Brookfield Road Ashford TN23 4EY
0759 874 5044

East Kent Rape Line
0800 458 2818

Victim Support Kent
0845 389 9527

National Information & Support

National Domestic Violence Helpline - 24 hours
Free Call 0808 200 0247 www.womensaid.org.uk

Dove Project (provides information on Refuge vacancies)
0170 230 0006

National Centre for Domestic Violence (free 24 hour legal advice & help)
0844 804 4999

Men's Advice Line (advice and support for men in abusive relationships)
0808 801 0327

Karma Nirvana (support for victims and survivors of forced marriage and honour based violence)
0800 599 9247

Broken Rainbow Helpline (lesbian, gay, bi-sexual and trans-gender victims of domestic abuse)
0300 999 5428

Respect (information and advice on domestic abuse perpetrator issues)
0845 122 8609

Ashford Domestic Abuse Forum was founded during the mid 1990's. The Forum comprises of managers and front line staff from statutory and voluntary organisations as well as individuals from business and other professions who are all working in voluntary partnership to: -

- increase knowledge of the role and responsibilities of others in their response to domestic abuse
- promote inter-agency co-operation
- promote improvements to current services and encourage the development of new ones where there is an identified need
- raise awareness amongst the public of domestic abuse
- provide information to individuals on the sources of help and protection available to them
- encourage initiatives aimed at the prevention of domestic abuse.

Working for individuals and families affected by domestic abuse the Forum relies entirely on fundraising and donations in furtherance of its aims. A recent example of practical help the Forum has been able to give has been the provision of emergency lifeline alarms to those in danger.

To support the work and/or to obtain more information about Ashford Domestic Abuse Forum including access to additional resources such as leaflets and posters for your workplace please e-mail:

ashforddomesticabuseforum@gmail.com



**Ashford Domestic
Abuse Forum**