

Template Policy or Guide – Responding to Staff who may be using abusive behaviour in their relationships

Reducing Abusive Behaviour Group – Kent Domestic & Sexual Abuse Executive Network

Intention

This template policy or guide has been put together by the Reducing Abusive Behaviour Group, a part of the multiagency Kent & Medway Domestic and Sexual Abuse Executive network. This group is inclusive of membership from Kent County Council, Medway Council, Kent Police, Kent Community Safety Partnership, Interventions Alliance, CDAP and KIDAS services.

This policy can be used and adapted to help your organisation to respond appropriately to an employee who may be using abusive behaviour.

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Responding to staff who use abusive behaviour in their relationships

Introduction

A report by the Equality and Human Rights Commission showed that 20 per cent of women take time off work due to experiencing domestic abuse, two per cent lose employment as a direct result and 75 per cent of victims are targeted at work by their abuser.¹

(Employer's name) is committed to developing a culture that recognises that some employees will be experiencing domestic abuse, and that some may be using abusive behaviour. The workplace should be a place of safety and one that recognises that people using abusive tactics are responsible for their behaviour and for addressing this.

Domestic abuse perpetrated by employees will not be condoned, nor will it be treated as a purely private matter. (Employer's name) recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

(Employer's name) is committed to ensuring that:

- Allegations will be dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure
- All employees will receive guidance and support
- Confidentiality will be maintained with information restricted only to those who have a need-to-know
- Investigations will be thorough and independent
- All cases will be dealt with quickly avoiding unnecessary delays

This policy is intended to be safety focussed and supportive rather than punitive and sits alongside our Domestic Abuse Policy which has a focus on supporting the person experiencing abuse.

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https://www.equalityhumanrights.com/sites/default/files/government_review_of_employment_rights_for_survivors_of_domestic_abuse.pdf

[Employer's] Code of Conduct

(Employer's name)'s code of conduct is 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 to present high standards of personal integrity and conduct that will not reflect adversely on the organisation and its reputation.

(Employer's name) is committed to ensuring that:

Please insert relevant sections from your organisations code of conduct

Where the impact of an employee's behaviour is significant this may be regarded as gross misconduct.

What is domestic abuse?

The 2021 Domestic Abuse Act recognises both adults and children as victims and survivors of domestic abuse and defines abusive behaviour as happening between adults over 16 and including any of the following tactics:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional or other abuse

Controlling behaviour is a range of acts designed to make a person subordinate or dependent by isolating them from sources of support, exploiting their resources, 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.

Domestic abuse includes 'honour' based abuse, abuse from family members forced marriage and female genital mutilation. It can affect anyone. In cases of 'honour' based abuse you should be aware that there can be multiple people posing a risk to the client and cultural expectations can be used as a tactic of abuse and barrier to reaching out for support.

The Domestic Abuse Act defines domestic abuse happening between people who are 'personally connected' which is defined as people who:

- Are married or civil partners.
- Have agreed to marry or enter a civil partnership.
- Are or have been in an intimate personal relationship with each other.
- Have, or have had, a parental relationship in relation to the same child.
- Are family members or relatives.

Signs of using abusive behaviour

Employers can become aware of abuse through self-disclosure, sometimes prompted by a violent or abusive incident, an allegation, or notice through the police.

Managers should also be aware of signs that an employee is using abusive behaviours. There are some signs that employers can look out for:

- Negative comments made by the person about a partner or family member
- Expressing anger, jealousy or blaming their partner or family for issues
- Excessive text messaging or telephoning a partner, or if working remotely, referencing their partner's behaviour
- Injuries such as scratches, bite marks, bruised knuckles

There may be any number of reasons for this behaviour. But managers who suspect that domestic abuse may be an issue should have the confidence to discuss this with the employee. When doing so, they should ensure that their own safety is not compromised. They may take another staff member with them or meet in a public place.

If a manager believes there is immediate threat to life or of significant harm, the police should be contacted, and a MARAC referral should be made.

Dealing with a disclosure or allegation of abuse

If an employee approaches (employer's name) about their abusive behaviour, (employer's name) will provide information about the services and support available to them and will encourage the person using abusive behaviour to seek support and help from an appropriate source.

It is important to remember that it may not be possible to know whether someone is using abusive behaviour based solely on their outward behaviour. Most people using abusive behaviours conceal their abuse by behaving pleasantly to most people. When discussing the relationship people using abusive behaviour may deny that their actions are abusive, minimize the impact or blame other people for their actions.

There are three primary considerations to make in the event of a person using abusive

behaviour disclosing abuse:

1. Reduce the risk for family members
2. Reduce the risk to other employees
3. Assess whether risk reduction plan is necessary

If the person using abusive behaviour is targeting an employee, steps must be taken to mitigate risk to the victim and other employees. These may include reassigning duties and restricting the person using abusive behaviours' access to information about the person they are targeting. Some actions may require coordination between managers which should be done in consultation with the person being abused if possible.

The Role of Managers

The information that the manager and organisation gathers will be the basis for its decision about how best to engage with a person using abusive behaviour. The information will help determine what kind of intervention or specialist help is required, for both the person using abusive behaviour and other employees.

Managers should keep a confidential record of a disclosure and any actions or decisions that they have taken. Good records may subsequently help in any legal proceedings or disciplinary hearing involving the person using abusive behaviour.

In discussions about potential support at work, managers should observe the following principles:

- Be respectful
- Be clear that abuse is always unacceptable and that it may constitute criminal behaviour
- Ensure their own safety is paramount
- Be clear that abusive behaviour is a choice
- Be positive: it is possible for people using abusive behaviours to change if they recognise that they have a problem and take steps to change their behaviour
- Be aware that on some level the people using abusive behaviour may be unhappy about their behaviour
- Be aware that domestic abuse is about a range of controlling behaviours not just physical violence
- Help the people using abusive behaviour to be aware of the potential cost of continued abuse.
- This could include arrest; prison; loss of their relationship, long term physical and emotional damage to their partner and children; loss of contact with children; disciplinary action at work; loss of their home; financial losses; damage or loss of relationships with family and friends

- Don't mandate an abusive person attends a specialist programme as part of disciplinary action. All programmes require the people using abusive behaviour to want to change
- Don't offer anger management as a solution - *this is problematic as domestic abuse is not due to anger issues; it is a systematic crime which is often due to issues around power and control*

A manager or HR lead's job is not to act as a specialist, but to work alongside specialist services to help manage the risk for all parties.

Holding People Using Abuse to Account

When discussing the relationship abusive people may deny the abuse, minimize their actions or blame other people. They can use excuses to explain their behaviour such as drugs and alcohol, mental health, stress or childhood experiences. We should support our staff as best we can without colluding with them. Be careful not to offer the following common (but problematic) responses.

Colluding with the abusive person	This is problematic as may reinforce the abusive behaviour
Minimising or excusing their behaviour, or blaming it on the survivor	<i>This is problematic as it is in effect taking sides and adopting a non-neutral stance</i>
Offering 'anger management' solutions or programmes	<i>This is problematic as domestic abuse is not due to anger issues, it is a series of systematic crime tactics based in power and control</i>
'50:50' responses where the survivor and abusive person are equally blamed	<i>This is problematic, research shows that mutual abuse is very rare – it is more likely that there is a primary offender with a victim who may use violent resistance, or that the relationship is unhealthy without power & control</i>

Reframing the domestic abuse as ‘family conflict’	<i>This is problematic as it implies the 50:50 response referred to above</i>
Seeing the abusive person as the survivor	<i>This is problematic, if the abusive person has persuaded you, they may be encouraged to obstruct the process believing they will get what they want</i>

In your interaction with people using abusive behaviour, you should:

- Affirm that their abusive behaviour is a choice and that they can choose to stop
- Be respectful and empathic but clearly state that abuse is unacceptable and that many behaviours are against the law
- Make it clear that there are no excuses for the abuse.

Recording & Responding

The response to any allegation, disclosure or conviction of a domestic abuse related offence will be on a case-by-case basis with the aim of reducing risk and supporting change. However, (Employer’s name) views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the organisation’s code of conduct for disciplinary purposes.

(Employer’s name) also reserves the right to consider the use of this policy should an employee’s activities outside of work (whether or not it leads to a criminal conviction) have an impact on their ability to perform the role for which they are employed and/or be considered to bring the organisation into disrepute.

In some circumstances it may be deemed inappropriate for the individual to continue in their current role(s). In these circumstances the possibility of redeployment into an alternative role may be considered.

If a member of staff discloses or is reported to be using abusive behaviour whilst in a role

supporting vulnerable people or children safeguarding protocols will be followed, managers will inform human resources and the LADO (or appropriate mechanism) if appropriate. Managers can discuss the case with the LADO to establish if a referral is required.

There may also be circumstances where such behaviour by a regulated professional might indicate a potential risk to patients or service users. There may be a mandatory obligation on the regulated professional to self-refer if they receive any police caution or conviction, and for the police to report such action if they are aware an individual is regulated.

[NOTE: Please amend or delete this paragraph as appropriate. This is based on requirements for health and social care professionals regulated by the Health and Care Professions Council.]

The alleged people using abusive behaviour should be:

- Treated fairly and honestly
- Helped to understand the concerns expressed and processes involved
- Kept informed of the progress and outcome of any investigation and the implications for any disciplinary process
- Advised to contact their union or professional organisation

Role of colleagues

(Employer's name) encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence.

In dealing with a disclosure from a colleague, employers should ensure that the person with concerns is made aware of the existence of this policy.

If it becomes evident that an employee has made an allegation that another employee is perpetrating abuse maliciously (not in good faith), then this will be treated as a disciplinary offence.

Employees assisting in abuse

If an employee is found to be assisting an abusive person in perpetrating abuse, for example, by giving them access to facilities such as telephones, email or information or by using their position or facilities on behalf of the abusive person then they will be seen as having committed a disciplinary offence.

What interventions are available in Kent?

There are a number of interventions available in Kent & Medway, you can discuss what would suit your client best before making the referral.

Interventions Alliance:

COBI – A Stalking Intervention

The Compulsive and Obsessive Behaviour Intervention (COBI) is an intensive 1:1 programme of 12 sessions, each lasting up to 2.5 hours. This is delivered by staff with a psychology or counselling background or by a qualified Probation Officer. The programme is based on the Dialectical Behaviour Therapy (DBT) treatment model and is a talking therapy. It focuses on building an individuals' skills to cope with challenging situations, overwhelming feelings, and difficult emotions.

Healthy Relationships – A Domestic Abuse Intervention

This programme is 10 sessions and utilises the Good Lives Model to facilitate effective and lasting behaviour change. It is strengths based so draws on the abusive persons (non-abusive) strengths to develop changes, whilst robustly holding them to account for their abusive behaviour. The abusive person is allocated a comprehensively trained Domestic Abuse Officer to work through the intervention whilst tailoring parts to meet individual need where necessary. This is a 1:1 intervention it is available to all (genders/relationship types/needs).



RE_HR & COBI
referral pathways (2)

Kent Community Domestic Abuse Programme:

The Community Domestic Abuse Programme is a rolling programme of evening sessions. Based on the Duluth Programme, it is designed to help men who feel their behaviour towards their partner has been, or is still, abusive.

This is available in West Kent, East Kent & Medway & Swale.

Find more information and the referral form here - <https://kentcdap.org/>

Respect:

The Respect Phonenumber is a national anonymous and confidential helpline, email and webchat service for men and women who are harming their partners and families. They provide specialist advice and guidance to help people change their behaviours and support for those working with domestic abuse perpetrators.

They can also provide advice if you're working with an abusive person of domestic abuse.

<https://respectphoneline.org.uk/>

Referrals and Signposting for Victims of Domestic Abuse

If you believe someone is a victim of domestic abuse then you should provide them with information about support services if safe to do so.

The Domestic Abuse Support in Kent website provides contact details and links to organisations both local and national - <http://www.domesticabuseservices.org.uk/>

These services include One Stop Shops which are available throughout Kent and Medway. The One Stop Shops offer free advice, information and support from a range of agencies and various professionals.

KIDAS (Kent Integrated Domestic Abuse Service) – Supports all victims of domestic abuse across Kent and Medway. Contact them on 0808 168 9111.

If you believe someone is at high risk of serious harm then you should make a MARAC referral. This should be done with the victim's consent if possible but non-consent referrals can be made in order to safeguard adults and children who are victims of abuse.

Find out more and how to make referrals using this referral pathway document:



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Domestic Abuse Ref

Links to Other Policies

Organisations should include links through to other relevant policies – these could include

- Whistle Blowing
- Safeguarding Adults
- Safeguarding Children
- Lone Working Policy
- Bullying & Harassment Policies
- Disciplinary Policies