

## **Domestic Abuse (DA) at work place**

### **1. Introduction**

- 1.1. ELFT is committed to ensuring the health, wellbeing and safety of its employees. Any employee who experiences domestic abuse (previously known as domestic violence) should be able to raise the issue at work, without fear of stigmatisation or victimisation. Employees should be appropriately supported within the workplace and guided to access any advice and specialist services they may need.
- 1.2. The Trust recognises that domestic abuse occurs in every social class and across all age groups, regardless of gender, sexuality, disability, race or religion.
- 1.3. The Trust's commitment here extends to assisting employees who may need to provide support to a family member or close friend who is experiencing such abuse.
- 1.4. The Trust is committed to ensuring that all employees, not just those experiencing domestic abuse, are aware of its position in this area, including the implications for employees who are perpetrators of domestic abuse.

### **2. Scope**

- 2.1. This guidance covers all the employees of the Trust including bank staff and volunteers.

### **3. Legal Obligations**

- 3.1. ELFT understands that all of its employees have the right to feel safe within their working environment. ELFT recognises its legal responsibilities in promoting the health, safety and well-being of its employees in line with the:
  - Health and Safety at Work Act 1974
  - The employer has a duty under the Health and Safety at Work Act (1974) to ensure, as far as is reasonably practicable, the health, safety and welfare of employees at work.
  - The Management of Health and Safety at Work Regulations (1992) requires employers to assess the risk of violence to employees and

make arrangements for their health and safety (see flow chart –A &B Guidance for Managers).

- Serious Crime Act 2015
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Domestic Violence, Crime and Victims Act 2004.
- Local Government Act 2000

#### **4. The Impact of Domestic Abuse**

4.1. Domestic Abuse (DA) can impact greatly on an individual's working life affecting their emotional, mental and physical health which interferes with productivity and performance. There are many ways perpetrators can abuse their partner in the work place including but not limited to constant phone calls, unannounced visits, following to and from work, abusive emails, making false accusations to line managers. However for some survivors the workplace is a safe haven.

4.2. DA can also impact on victims/survivors' mental health. In addition, some survivors misuse drugs and /or alcohol as a coping strategy if they are living with DVA. These factors are also likely to impact on an individual's ability to function normally at work; lateness, absenteeism, poor performance, poor concentration and exhaustion.

4.3. DA also affects people close to the survivor and this can include work colleagues. Some effects may include:

- Being followed to or from work
- Being subjected to questioning about the survivors contact details or location
- Covering for other workers during absence from work
- Trying to deal with the abuse and fear for their own safety
- Being unaware of the abuse or not knowing how to help
- Employees may have different needs and experiences, and these should be taken into account, for example:

4.4. Older women less likely to report their experience of DA

- 4.5. Disabled women are more likely to experience DA and sexual violence than non-disabled women.
- 4.6. Ethnic minority women face additional barriers to accessing support
- 4.7. Lesbian, gay and bisexual women and men can be vulnerable to abusers who undermine their sexuality and threaten to 'out' them to colleagues, employers and family members.
- 4.8. Transgender women and men may have fewer services available to them.
- 4.9. Men experiencing DA and sexual violence may find it more difficult to disclose abuse and may find more barriers to accessing support.

## **5. Support for Employees who are Experiencing DA**

- 5.1. ELFT will provide support to employees who are or have experienced DA or who are supporting a friend or family member who has experience of DA. Those providing support should address the issue sympathetically ensuring that the employee is aware of the support and assistance is available where required.
- 5.2. ELFT will endeavour to create an environment which supports disclosure and reassures employees that they will be listened to and supported. Those supporting employees should be aware that, typically, an individual who is experiencing DVA will experience abuse for a considerable time before feeling able to disclose this to someone.
- 5.3. ELFT's Associate Director for Safeguarding, Lead Safeguarding Professionals, can be approached by staff and managers for confidential advice and support when cases of DA is reported to them or if they suspect that a staff member is a victim or perpetrator of DA.
- 5.4. ELFT will provide a secure and safe working for its employees under the health and Safety at Work Act 1974. Where appropriate, reasonable additional measures will be taken by managers to protect the safety of those experiencing domestic abuse while travelling between work and home, whilst at work or when carrying out trust duties.
- 5.5. Discussion between a manager and an employee who is experiencing domestic abuse will be treated in confidence. In some circumstances this confidence may need to be broken in order to protect children or vulnerable adults.

- 5.6. In case where the employee has expressed a safeguarding concern or where the incident may impact their job role or responsibilities, the HR Manager and Associate Director of Safeguarding/Lead Safeguarding Professionals must be informed.
- 5.7. If you are concerned that the employee is at risk of significant harm from domestic abuse, then a DASH risk assessment should be complete and sent to the local MARAC.
- 5.8. In case where a safeguarding concern has been identified or an incident of domestic abuse with the employee may conflict with their job role or responsibilities, the HR Manager and Associate Director of Safeguarding/Lead Safeguarding Professionals must be informed.
- 5.9. Managers will ensure that reasonable additional measures are taken to protect personal information regarding those who are known to be victims, survivors or perpetrators of domestic violence.
- 5.10. ELFT recognises that the employees may need to take time off work to make arrangements or to attend relevant appointments, including medical appointments and counselling: attending legal proceedings and arranging housing or childcare. Employees should be provided time during work to contact any support service they require. It is recommended that the Trust HR be contacted for further advice and guidance.

## **6. Guidance for Managers**

- 6.1. Whilst the majority of violent and abusive incidents take place in the home they can occur in the workplace as well as the impact spilling into the work environment. Employers have an important part to play in referring survivors and perpetrators to specialist organisations, assisting them to access support and putting measures in place to increase their safety. Managers should seek to:
- Recognise the problem – look for signs and ask
  - Respond appropriately
  - Refer on to appropriate help
  - Record details

6.2. The trust recognises that domestic abuse is not obvious/easy to spot.

Survivors of DA may not confide in anyone in their place of work for a wide variety of reasons. It is more likely the Manager will become aware of the situation through associated issues. The signs that an employee may be experiencing violence and abuse at home can include:

### **Work Productivity signs**

- Persistently late without explanation or with unusual explanation, or needing to leave work early on a very regular basis
- High absenteeism without explanation or with unusual explanation
- Changes in the quality of work performance for unexplained reasons
- Increased time being spent at work for no apparent reason i.e. arriving early and leaving late
- Upset at work due to receipt of upsetting emails, texts, phone calls

### **Psychological signs**

- May cry frequently or be anxious at work
- Uncharacteristic depression, anxiety, distraction, problems with concentrating
- Changes in behaviour; may become quiet and withdrawn and avoid interacting with others
- Fear of partner or references to anger
- Expresses fear at leaving children home alone with their partner

### **Physical signs**

- Repeated injuries such as bruises; the explanation for injuries that seem implausible
- Frequent and/or sudden/unexpected medical problems/sickness absence
- Fatigue
- Change in the way an employee dresses i.e. excessive clothing in summer; unkempt or dishevelled appearance
- Change in the pattern or amount of make-up worn

## Other signs

- Receives constant phone calls or texts from their partner or ex/partner
- Partner regularly meets the staff member outside work
- Employee appears anxious about going home
- Employee is anxious about leaving work on time

6.3. Managers should be aware of the possibility of DA when implementing either the Capability Policy or Sickness Absence Policy and Procedure. If the manager suspects DA could be the cause of poor performance or absence they should create a safe environment in which the employee is free to disclose the abuse if they wish to do so. The focus should be on supporting the employee rather than penalising.

6.4. If a manager suspects the employee may be suffering violence and abuse at home they should have a conversation with them in a private and safe setting. The manager can ask non-threatening questions to gently encourage the employee to open up, for example 'I have noticed recently that you are not yourself, is anything the matter?'.

6.5. Once the manager is aware of domestic abuse they must discuss with the employee to assess the risk and what measures could be put in place to keep them safe at work. Any measures put in place should be recorded on the employee's file.

6.6. If the employee is in immediate danger the manager should call the police on 999.

6.7. The manager's role is to provide practical work-related support for the employee and signpost them to specialist services which can provide appropriate risk assessment, safety planning and support.

6.8. If the employee does not wish to engage with a support service, the manager could suggest they contact the Employee Assistance 24/7 helpline on 0800 030 4302, <https://elft.workplacewellbeing.com/eap/> or speak with the Trade Union.

6.9. The manager is not responsible for stopping the abuse or assisting the employee to leave the relationship; the most dangerous time for a survivor is just before and up to 18 months following a separation.

- 6.10. It is important the manager provides a supportive environment to talk. They must be non-judgemental and validate the experience of the employee with statements such as 'you do not deserve to be treated that way'. When a survivor discloses they are experiencing DA it is vital that they are believed without passing judgement on the perpetrator and the employee's response. Boundaries and privacy should be respected.

## **7. Perpetrators of Domestic Abuse**

- 7.1. The trust will treat all employees who disclose committing domestic abuse sensitively and fairly. Advice should be sought from the HR Manager and the Associate Director for Safeguarding/Lead Safeguarding Professionals in all circumstances.
- 7.2. Domestic abuse is in contravention of the Employee Code of Conduct and may be subject to disciplinary action, which if proved may lead to dismissal.
- 7.3. Where a perpetrator makes a disclosure of committing domestic abuse, a risk assessment must be completed, taking into account:
- The nature of the disclosure;
  - Job role – the impact of the employee's actions on their duties and responsibilities;
  - Any safeguarding issues that arise;
  - The employee's work location;
  - The impact on the victim or his/her dependents; and
  - Whether the employee has voluntarily sought help to deal with the issue.
- 7.4. Employees who disclose having committed domestic abuse will be offered advice and support regarding appropriate services available.
- 7.5. All employees should be aware that domestic abuse is a serious matter that could also lead to criminal convictions.
- 7.6. In cases where both the victim and the perpetrator of domestic abuse work in the organisation, advice should be sought from the HR Casework team immediately and the appropriate action will be taken.
- 7.7. All advice, information and support provided by managers and the HR Manager and Safeguarding team will remain confidential. No information or

documentation will be disclosed without the express consent of the employee unless there is an immediate child protection or vulnerable adult safeguarding concern, in which case a referral to the appropriate child or adult safeguarding hub of the relevant borough may be necessary or unless a disciplinary process has been initiated, in which information will be shared in line with the disciplinary policy. The Trust has a policy for Management of Allegations against Staff. If there are concerns that behaviour of the staff member poses a risk of harm to children, then a referral to the local authority designated officer (LADO) will be undertaken also, to ensure a coordinated and timely response to concerns.

## **8. Taking disciplinary action against perpetrator of DA**

- 8.1. DA is taken very seriously by the trust and could lead to disciplinary action in work and/or a criminal conviction.
- 8.2. The following are examples of where employees will be subject to investigation under the trust's Disciplinary Policy;
- 8.3. If they have committed a criminal offence, or serious evidence of assault/harassment
- 8.4. If they are involved in DA related incidents that occur in the workplace or during work time, including making threatening telephone calls or misuse of computer network
- 8.5. If an employee's activities outside work have an impact on their ability to perform the role for which they are employed, or are likely to bring the trust into disrepute. This is particularly relevant for those who work with the public, with children or adults with care and support needs – "Persons in a position of trust".
- 8.6. If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones or email then they will be seen as having committed a disciplinary offence
- 8.7. If an employee accesses and/or discloses confidential information about another employee or service user without authorisation
- 8.8. If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse, perhaps in relation to a custody



battle, then this will be treated as a serious disciplinary offence and action will be taken

- 8.9. If personal mobile phone numbers, addresses or e mails have been disclosed without the employee's permission When both the victim and perpetrator are employees of the trust.
- 8.10. The main priority is the safety of the survivor and ensuring that any actions do not increase the risk to them. Any decisions should be agreed with the victim before being actioned. Disciplinary action may be considered against the employee who is perpetrating abuse.
- 8.11. Action may also be taken to minimise the potential for the perpetrator to use their position or trust's resources to further abuse or to locate the survivor. Where suspension or termination of employment is being considered the manager should speak to local support services to ensure safety plans are put in place with the survivor.
- 8.12. Mediation or couple counselling is not appropriate in abusive relationships and must not be recommended. The primary reason for not recommending couples counselling is that abuse is not a "relationship" problem. Couples counselling may imply that both partners contribute to the abusive behaviour, when the choice to be abusive lies solely with the abusive partner. Focusing on communication or other relationship issues distracts from the abusive behaviour, and may actually reinforce it in some cases. Additionally, a therapist may not be aware that abuse is present and inadvertently encourage the abuse to continue or escalate.
- 8.13. Managers should take advice from HR when considering disciplinary action and refer to the trust's Disciplinary Policy.