

All Saints Schools Trust



Domestic Abuse and Workplace Response Policy 2018 - 22

	Date	Signed
Agreed by Trust Board:	July 2018	Chair of Board James Hargrave
Lead:	HR Committee	
Review date:	June 2022	

Domestic Abuse and Workplace Response Policy

Rationale:

Domestic abuse is recognised as a widespread problem that can affect adults and children. Incidents of this nature can seriously damage the work environment by increasing the risk of death, injury and other health related problems, absenteeism, and create an additional risk of violence at work.

The Trust is committed to promoting the understanding that everyone has the right to live free of abuse, that violence in any form is unacceptable and will not be condoned, tolerated or ignored.

In support of this, it is the Trust's policy that every employee who is experiencing or has experienced domestic abuse can raise this issue, with the knowledge that the Trust will treat the matter sensitively and confidentially, and that all employees have the right to be treated with dignity and respect.

The Trust will offer assistance and information to those staff who disclose they are experiencing domestic abuse and, where their welfare and safety is under threat, the Trust will be proactive in taking appropriate steps to provide a safe and supportive workplace.

Aims:

- To provide a framework to ensure that those staff who experience and disclose any form of domestic abuse receive an effective and reliable response that places their safety at the centre of any interventions. It also applies to the safety of children when an employee is found to be a perpetrator of domestic abuse whether that includes violence or not.
- To provide a positive approach that promotes well-being for employees, supporting and retaining productive employees, and is aimed ultimately at saving lives.
- To work together with the recognised Trade Unions throughout the investigation process (where members are involved).

What is Domestic Violence and Abuse?

- Domestic violence is a generic term to describe a range of violent and non-violent but abusive behaviours.
- Domestic violence involves a pattern of assaults and coercive behaviours that can take a number of forms, such as physical assault, sexual abuse, rape, threats and intimidation. It may include pressure tactics, isolation, harassment and control of finance and/or activities. These patterns include a variety of tactics carried out in multiple and sometimes daily episodes.

- For the purpose of this policy, domestic violence is defined as:

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

In this definition, family members include mother, father, son, daughter, brother, sister, grandparents, in-laws and stepfamily.

The terms domestic violence and domestic abuse are used interchangeably throughout this policy.

Scope:

Included within the scope of this policy are:

- employees who are perpetrators and who misuse workplace resources, such as phones or e-mail or other means, to threaten, harass or abuse a current or former partner or any other person
- any form of violence, threats or harassment, or other forms of abuse of any employee by their partner, ex partner or someone with whom they have had a close relationship who is also an employee
- any employee who intentionally misuses their authority or position to enable abuse to continue or encourages others to do so, or assists a perpetrator to locate or carry out acts of violence or abuse, or protects the perpetrator
- any action or incident that brings the Trust or it's schools into disrepute and impacts on the high standards of conduct the Trust expects from all employees.

Legal Liability and Responsibilities:

It is imperative that domestic abuse is recognised as being serious, preventable and an important issue that cannot be ignored. When domestic abuse affects an employee while they are at work, it is covered by health and safety legislation.

Under the Health and Safety at Work Act 1974, employers have a duty to ensure the health, safety and welfare of their employees at work. Domestic abuse will inevitably have a significant impact on the victim at work who may become withdrawn, anxious or show some of the other signs and symptoms commonly associated with difficulty coping, even if there are no clear indications that they are a victim of abuse, including violence. Injuries can be hidden and denied. Head Teachers and senior staff have a responsibility to support staff with problems outside of work that have an impact in the workplace as well as the explicit responsibilities outlined below.

There is a possibility that a perpetrator of domestic abuse may stalk a victim, and may harass, follow or try to find a victim while they are at work. If the victim has disclosed that he/she is a victim of domestic abuse to their line manager, the line manager must consider the risk of violence

to the victim during working hours since this situation will be covered by health and safety at work legislation. Some specific issues that need to be considered are detailed later in this policy.

Head Teachers and senior staff are responsible for:

- promoting a culture where domestic abuse can be disclosed
- ensuring appropriate measures are taken to reduce risks
- ensuring all employees, new appointees, trainees and applicants are aware of this zero tolerance policy.

Responding to Victims - Minimum Standard of Response:

Abusive behaviour is the responsibility of the abuser. No proof of violence is needed and a statement from the victim must be enough for them to be given support and information on protection and help.

The Head Teacher and senior staff must be prepared to respond to direct requests for help from employees. The line manager may not be the first person approached for advice or help and, in some cases, another manager, colleague or Trade Union representative may be involved.

Anyone approached for support must take a believing and non-judgemental approach. They will be expected to:

- listen, reassure and take seriously what is being disclosed and respond in a sensitive and supportive way.
- ensure the employee is aware of the support and that information is readily available - leaflets, details of help lines, and crisis and support services.
- actively support the employee by ensuring they are aware of the options that may be open to them while respecting their right to self-determination.
- encourage safe choices, which may include offering to assist with arranging crisis/ safety planning if appropriate.
- ensure all discussions take place in privacy and are kept confidential in all but the most exceptional circumstances (see section on Confidentiality below)
- in all cases, ensure that the employee's safety and well-being is prioritised.

Awareness and Disclosure:

Taking a responsive and enabling approach is fundamental to re-assure those members of staff who experience abuse that the workplace is a safe and supportive place to disclose and seek assistance.

The Head Teacher and senior staff must be alert to changes in an employee's behaviour and work performance that may indicate possible abuse when it has not been disclosed, as well as for other non-related reasons. These can include:

- a lack of concentration
- difficulty coping with work
- increased or unexplained absence
- minimisation of injuries (for example bruising with dubious explanation).

Raising these issues with an employee who may already be vulnerable requires great sensitivity. Senior male staff raising this with female employees should always suggest a senior female member of staff could be involved instead, if that is the employee's preference.

Employees who experience any form of domestic violence and/or abuse may find it difficult to confide in others or seek help and may be subjected to threats and intimidation to prevent them disclosing the situation.

Performance, Attendance and Workloads:

Once domestic abuse has been identified, the Head Teacher and senior staff must be ready to ensure appropriate help and support is provided and ensure that they monitor the situation sensitively for any signs of escalation.

The Head Teacher and senior staff may become aware of the possibility of a domestic abuse situation without a disclosure by the employee, through monitoring absences or where performance is affected. If this is the case, both the absence and performance, together with the concerns of the Head Teacher and senior staff, should be raised at the same time by:

- finding a private space to talk with the employee and ensuring that there are no interruptions
- identifying the attendance/performance problems
- being understanding and explain that sometimes 'personal issues' can interfere with performance and be a cause of non-authorised absences
- sensitively encouraging the employee to discuss what may be the problems if there are clear signs of abuse.

Whether or not domestic abuse is disclosed at this time, the Head Teacher or senior staff should liaise with the Trust's HR Team/caseworker regarding performance improvement/capability proceedings to ensure any decisions are fully informed and that the HR Team/caseworker and CEO are consulted and fully aware of the situation before any course of action is considered.

Any employee coping with domestic abuse may need time off work to make personal arrangements and seek specialist advice. The Head Teacher and senior staff must adopt a

flexible approach and, together with the employee, make all reasonable adjustments to both work volume and attendance.

Confidentiality:

Disclosing any information can significantly increase the risk to an employee who is a victim of abuse. Precautions must be taken by senior staff to avoid this occurring.

If an employee discloses abuse, they must be reassured this will be kept strictly confidential except in exceptional circumstances, but will include any essential communication with the Trust's HR Team/caseworker. The employee must be fully consulted about any communication and their agreement sought. As well as being worried about their own safety issues, employees may be concerned that their disclosure could appear on their work records, affecting their employment or career progression. Employees must be reassured that this will not happen.

The exception is where children, young people or vulnerable adults may be at risk in which case information can be shared confidentially in the interest of the child, young person or vulnerable adult whose welfare is paramount. This must be explained to the employee, who may require additional support. In all such cases, the matter should be referred to the Suffolk Safeguarding Children Board (www.suffolkscb.org.uk) outlining the concerns about a child's welfare or, in the case of an adult who may be vulnerable, to Suffolk Adult Safeguarding (www.suffolkas.org).

Security of personal information, including payroll records, is paramount to ensure addresses and other information is kept strictly confidential. The individual's personal confidentiality relating to their sexual orientation, gender, disability, religion and beliefs must be ensured in the implementation and use of this policy.

Issues of Diversity:

Recognising and understanding diversity issues will enable fair and open practices when responding to domestic abuse.

Perceived or actual reactions, isolation, and barriers related to age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation may compound an employee's experience of domestic violence. These issues can create fears about asking for help.

The Trust operates a zero tolerance approach to domestic abuse and will always hold perpetrators fully responsible and accountable for their actions. There is no excuse for violence or abuse and any form of abuse is viewed as a serious and disciplinary matter.

The Trust will always take action with those employees who are perpetrators of violence and/or abuse in line with this zero tolerance policy. Disciplinary action, including grounds for gross misconduct where appropriate, will be considered. Where safety issues and risk is identified towards a victim or child, young person or vulnerable adult the abuser may work with, this will include reporting to other authorities.

Domestic violence and abuse is a crime covered by a number of criminal offences that can lead to a conviction. In addition, any acts of violence or abusive behaviour by an employee against a

current or former partner or other person will be considered as misconduct outside work, which can lead to disciplinary action in work, whether or not it leads to a criminal conviction.

In all cases, there will be an investigation under disciplinary procedures to establish whether abuse has occurred during work time or using workplace resources. In most cases, there will be a disciplinary hearing to establish if disciplinary actions should be taken. In cases where the perpetrator is an employee, an investigation under disciplinary procedures should take place, whether or not the abuse occurred at the workplace or using workplace resources. Confidentiality must be maintained throughout these investigations.

To ensure continued high standards of safe practice, employees proved to be perpetrators will be referred to the appropriate safeguarding/professional body.

Duty of Care:

The Trust has a duty of care to ensure the safety of a child involved in any activity or interaction for which an employee of the Trust is responsible. This duty of care extends to all adults employed, commissioned or contracted to work with children.

Employees who work with children are in a position of trust and are responsible for ensuring their own actions, conduct or behaviour is of the highest standard.

Any employee who is alleged or proved to be a perpetrator of domestic abuse will be investigated to consider if they have misused their position of trust. Disciplinary or legal action may be taken.

Senior staff dealing with these issues must consult the Trust's HR Team and follow other appropriate policies where appropriate.

The Head Teacher and senior staff may be informed of an incident of domestic violence or abuse by the Police, Children's & Young Peoples Services, or other sources, or through disclosure by the employee themselves. In all cases, the Head Teacher and senior staff should follow the key points outlined when interviewing an employee when domestic abuse has been disclosed:

- make the employee aware of the zero tolerance approach to domestic abuse operated by the Trust, and that any incident will be treated seriously.
- inform the employee that domestic violence and forms of abuse are a crime that may lead to criminal conviction and other forms of legal proceedings
- make clear that Police action may follow if evidence indicates a crime has been committed
- carry out an investigation to consider:
 - has the abuse taken place during work time or using workplace resources?
 - is it appropriate for the employee to carry on with their normal duties?
 - is there a conflict of interests?
 - what disciplinary action should be taken?
 - are there criminal proceedings?
 - have the abuser's actions resulted in a criminal conviction?

- have the actions of the employee resulted in gross misconduct?
- the employee may try to justify their actions and/or blame the victim or work or other personal circumstances. It is important that the Head Teacher and senior staff avoid any approach that could be perceived as collusion with the actions of the employee. Domestic abuse is a choice and solely the responsibility of the abuser.
- ensure the employee is unable to use their position to find out details about the whereabouts of the victim, through databases, personnel files or contact with other agencies
- inform the employee of any perpetrator help lines available.

If there has been no disclosure of domestic violence, but the Head Teacher, senior staff or colleague suspects that it may be an issue, it is only possible to address any performance issues that come to light. In these circumstances, advice must be sought from the Trust's HR Team/caseworker. All enquiries will be strictly confidential.

The CEO and respective Head Teachers must ensure that all those employed within the Trust are clearly and regularly informed about this policy and other information relating to domestic violence.

Workplace Safety and Procedures:

Any incident of abuse that takes place in the workplace is damaging and potentially dangerous for both the abused employee and their colleagues.

The effects of violence and abuse do not remain in the home when the victim comes to work. As well as an increase in health related and performance problems, there can be an additional risk of targeted threats, intimidation and violence initiated by the abuser towards the victim while they are at work. Any incident is likely to disrupt the school environment and affect other employees, as well as impacting on service provision. In some cases, the police and other agencies may be involved.

Workplace Safety Measures:

All reports of threatening or violent conduct must be taken seriously. The victim should be included in evaluating these threats and any decision regarding possible intervention.

There are a number of measures that can be taken to improve the safety of an employee at their school premises, or where their duties may take them outside the workplace. The Head Teacher and senior staff may need to undertake a locality risk assessment to minimise any risk and also take account of operational requirements.

This may involve other employees taking precautions. Any proposed measures or actions should be agreed as part of a safety plan with the employees.

Abusers can be resourceful in gaining access to buildings or information. Additional protective measures could include:

- improving building security - changing security numbers, restricting access to authorised personnel only, reinforcing security procedures
- ensuring reception and other staff are aware that they should not divulge any information or personal details about employees or give information about an employee's whereabouts
- making a plan to prevent abuse occurring - agreeing how responsible staff should respond if the abuser attempts violence, intimidation or threats to an employee.
- reviewing the workplace position of an employee, away from public access if appropriate, and predetermining an escape route if appropriate.
- setting up a system for employees affected by abuse to check in/out
- offering varying work times, work patterns or changes in specific duties.
- assisting the employee to vary their route to and from work.

Safety Planning with Employees Experiencing Abuse:

Assisting an employee to make a safety plan at work may be the only way this can take place.

One of the most important steps anyone experiencing domestic abuse can take is to make a safety plan that covers both work and home. This can only be fully effective if those experiencing domestic abuse are able to make safe choices, and are supported in their consideration of the risks and appropriate options for themselves and any children.

Leaving an abusive partner is often not the safest option and without full knowledge of the situation it is unsafe to pressurise the victim to make any decisions that might not be right for them. However, in a crisis assisting an employee to find safe accommodation in a refuge or elsewhere can be helpful to alleviate the effects of traumatic events. Follow up is essential.

Information and Advice for Employees:

Each case is individual, and those employees experiencing abuse will have a range of needs including potentially a need for information and signposting.

Displaying posters and having leaflets available is a proactive approach to domestic abuse and can be effective in providing information and support in the workplace.

Personal Safety:

The Head Teacher, senior staff and other employees should be aware of their own and the victim's safety - domestic violence abusers are often unpredictable and can view any intervention as a threat.

In the interests of personal safety, anyone supporting the employee who is experiencing abuse should not put themselves or the employee at risk. Any meetings should take place in the school or a public building. Meetings should not take place at the home of the employee.

Reporting and Monitoring:

Any incident should not be minimised or ignored, as it will form part of a wider pattern of abuse.

A record must be kept of threatening or violent incidents in the workplace, and any acts of harassment including abusive/persistent phone calls, text message, e-mails and other forms of intimidation. All documentation should be treated as sensitive and confidential, and only shared within safety and legal requirements.

Following completion of documentation, the Head Teacher or senior staff, in consultation with the Trust's HR Team/caseworker, will evaluate all reports and involve the employee in assessing their personal risk and the risk to the school.

Employees should be encouraged to make their own self-assessment of risk, supported by the line manager and/or the Trust's HR Team/caseworker. Employees views must also be considered in the overall process of risk management and made aware and approve the contents of any report.

Where a risk is determined, the police may need to be involved.

It should be decided who should monitor and revise any safety plan together with the employee.

In all situations, the Head Teacher and senior staff should continue to generally monitor the situation and maintain close contact with the employee and the Trust's HR Team/caseworker.

The employee should be encouraged to keep their own records both of work and home incidents. All records are important and can be used as evidence in police proceedings or if an employee wants to apply to the court for an injunction.

Post-Incident Action:

The Head Teacher and senior staff should assess the response to the incident and review procedures where appropriate.

Time should be allocated following an incident to review what has occurred and complete an incident report. This will include the Head Teacher, line manager, the Trust's HR Team/caseworker, the employee concerned, and a Trade Union representative if requested. The review should focus on:

- documenting the incident
- supporting the employee to cope with the traumatic event. Special leave, details of counselling and other domestic violence support services should be made available.

- holding the abuser responsible through supporting prosecution. The police may require witness statements and any evidence within the law. The School/Trust can strengthen the case by reporting the incident as criminal damage, trespass or other appropriate offence.

Frequently Asked Questions:

Why does the Trust need to have a policy on domestic abuse?

As an employer, the Trust has a responsibility to provide a safe and effective work environment that responds to employees needs. When looking at any issue affecting employees and the workplace, cost, safety, liability and productivity is considered and domestic abuse is no different.

Why is domestic abuse different to other violence at work?

Domestic violence occurs between people who had had, wanted to have, or are in a close, intimate, family or other type of relationship irrespective of the length of that relationship. This makes it different to that of other risks and assaults which may occur in the working environment. Generally one or more of the following apply:

- victims are emotionally involved with the abuser
- victims are sometimes financially dependent
- victims may live, or may have lived, with the abuser
- there are rarely other witnesses
- abusers exercise power and control over their victim
- there is a significant risk of repeat assaults which are likely to increase in severity.

Why is domestic abuse between adults our business?

The standard response from management when faced with the question of domestic abuse in their workplace is that 'it does not happen here'. One of the factors that make it so difficult to address domestic abuse in its many forms is the 'hidden' nature of the offending. Research shows that fellow employees often know what is happening in their colleague's lives, as the workplace is the most common place where victims talk about their own experiences. The problem for management is what to do with this information.

How can domestic abuse in the workplace be defined?

Domestic abuse in the workplace includes any behaviour that interferes with an employee's capacity to safely and securely perform their duties for the Trust. It applies to wherever and whenever those duties take place, and includes other work related activities such as travelling and parking.

It can involve actual violence, the threat of violence, sexual and psychological abuse, and includes conduct ranging from harassment by repeated telephone calls and e-mails at work, to the abuser stalking the employee from place to place, on their journey to and from work, and attending the workplace to harass and intimidate. Threats and intimidation will not be isolated incidents or 'one offs' but part of an overall pattern of abuse.

Non-violent types of abuse include emotional and financial abuse that may result in an employee being prevented from getting to work and/or denied money for day-to-day needs.

The employee may be pressurised by their abuser to change jobs or even give up work completely.

What can be the effect on an employee?

In addition to physical injury and other health problems, employees can suffer less visible effects and be subject to self-harming, depression and sleep deprivation. They may be intentionally isolated and belittled by their abuser, and low morale, diminishing self-esteem, fear, guilt and anxiety are commonplace. These effects contribute towards lateness, absenteeism, poor performance and impact on career progression. An employee's confidence and abilities are likely to be undermined by their experiences of abuse, and this can be reflected in their performance of work activities.

Is the employee more or less 'at risk' while at work?

Employees can be particularly vulnerable while at work as this may be the only place the abuser knows where they can be found. It is likely the abuser will already know working hours, telephone numbers, colleagues and even security entry systems. Despite this, the workplace can be a safe and supportive place if essential steps are taken to protect and support the employee through making a plan for their safety and other appropriate measures.

Why doesn't the victim just leave?

The victim is mostly controlled through fear - fear of violence, fear relating to children, separation, of the unknown, etc. For example, if the victim tries to leave or leaves the relationship, they can be at greater risk of harassment, injury and life threatening situations. Often it will be difficult to leave because the abuser initiates stringent routines and controls, extending to restricting access to friends or relatives, financial constraints, or childcare responsibilities. Frequent intimidation will include threats to harm children, relatives, harm to pets, and selective damage to property. Under these circumstances, it is not surprising research indicates victims will make many attempts before they leave an abusive relationship.

Related Policies:

This policy should be read in conjunction with the Trust's Health, Safety and Welfare and Safeguarding policies.

Period of Review:

This policy will be reviewed every four years.

Document History

Version	Date	Comments
Issue 1	June 2018	Based on SCC Model Policy