

Supporting Employees Who Experience Domestic Abuse Policy

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P093	Head of HR	Quality and Standards	3 years

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Contents

1. Introduction.....	2
2. Purpose or aim.....	2
3. Scope	2
4. Definitions	2
5. Policy description.....	2
6. Roles and responsibilities	4
6.1 Managers will:.....	4
6.2 Employees will:	5
7. Training.....	5
8. Monitoring or audit.....	5
9. References.....	5

1. Introduction

Avon & Wiltshire Mental Health Partnership NHS Trust (AWP) is committed to heightening the awareness of domestic abuse, and providing guidance for employees and management to address the occurrence of domestic abuse and its effects on the workplace.

Domestic abuse can happen to anyone, and in all kinds of relationships - heterosexual, gay, lesbian, bisexual and transgender. People suffer domestic abuse regardless of their social group, class, age, race, disability, gender, sexual orientation or lifestyle. The abuse can begin at any time – in new relationships or after many years spent together.

Domestic abuse, as defined here, also includes issues such as forced marriages, female genital mutilation and ‘honour based’ violence.

The Trust recognises that domestic abuse can take place against men and women in either heterosexual or same sex relationships.

The direct and indirect costs of domestic abuse on staff working in an NHS Trust will be wide ranging. It could have a direct effect on the quality of service provision. Domestic abuse may, not exclusively, impact in the following ways:

- increased sickness absence;
- poor work performance and lost productivity;
- bad time keeping (lateness)

2. Purpose or aim

The aim of this policy is to ensure that employees can be made aware of where appropriate assistance can be found where necessary.

3. Scope

This policy applies to all members of staff employed by Avon and Wiltshire Mental Health Partnership NHS Trust.

4. Definitions

Domestic abuse 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 family members, regardless of gender or sexuality.” (Home Office & ACPO, 2004)

5. Policy description

The Trust condemns domestic abuse and is committed to responding sensitively and effectively to staff that require help and support.

The Trust intends to make assistance available to employees involved in domestic abuse. This assistance may include:

- confidential means for coming forward for help;
- [resource and referral information](#);
- special considerations in the workplace for employee safety;
- work schedule adjustments or leave necessary to obtain medical, housing, financial, counselling or legal assistance;

- and workplace relocation (if available).

In responding to domestic abuse, the Trust will maintain appropriate confidentiality and respect for the rights of the employee involved.

Domestic abuse and the workplace

Everyone has the right to a life free from abuse in any form. Domestic abuse is wholly unacceptable and inexcusable behaviour, and responsibility for domestic abuse lies with the perpetrator.

The Trust strives to create a working environment that promotes the view that abuse against people is unacceptable and that such abuse will not be condoned or made the subject of jokes or graphics.

Any incident of abuse that takes place on NHS premises or in relation to carrying out Trust business should be reported as set out in the Trust's [Recognition, Prevention and Management of Violence and Aggression Policy](#). The Local Security Manager (LSMS) should be advised at the earliest opportunity and will be able to give advice over appropriate action.

Employees should also be aware that conduct outside of work could lead to disciplinary action being taken because of its impact on the employment relationship. Where the employee is a registered practitioner, they would be accountable to their regulator (e.g. NMC) and could face investigation by that regulator.

The perpetration of domestic abuse by an employee may lead to disciplinary action being taken against that employee, up to and including dismissal, regardless of whether the abuse occurred at work or not. This measure reflects potential risks posed to service users and also the reputational damage that may potentially be experienced by the Trust. Where appropriate the Trust will refer the employee to their professional body/regulator. All referrals will be made through the offices of the Director of Nursing, Nursing and Quality.

Confidentiality and privacy

The Trust respects an employee's right to privacy in the event they do not wish to inform the organisation that they have experienced domestic abuse.

Employees who disclose experiencing abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission.

As far as possible, personal information of employees who are experiencing domestic abuse will only be shared on a need-to-know basis including phone numbers and details of employment within the Trust such as working hours.

The Trust respects an employee's right to confidentiality. However, in circumstances of child protection or the protection of vulnerable adults from abuse, the child protection and adult protection services may need to be involved. Complete confidentiality cannot be guaranteed in these situations.

Where an employee has reason to believe that a child or vulnerable adult is being abused, or there is high risk domestic abuse, further guidance should be sought from the [Safeguarding Team](#) in relation to their legal obligation and requirements for information sharing.

Discrimination and reasonable support

The Trust will not discriminate against anyone who has been subjected to domestic abuse, in terms of his or her existing employment or career development.

The Trust is aware that domestic abuse victims may have performance problems such as chronic absenteeism or lower productivity as a result of domestic abuse. When addressing performance and safety issues, AWP will make reasonable efforts to consider all aspects of the employee's situation and / or safety problems.

Supporting Employees Who Experience Domestic Abuse Policy

The Trust will make reasonable effort to assist an employee experiencing domestic abuse. If an employee needs to be absent from work due to domestic abuse, the length of the absence will be determined by the individual's situation through collaboration with the employee and their manager (supported by Human Resources) and their Union Representative if applicable.

The Trust will reasonably help an employee to address their own domestic abuse. Depending on circumstances, these options may include:

- arranging flexible work hours so the employee can seek protection, go to court, look for new housing, enter counselling, arrange child care, etc
- considering job sharing options,
- provide, for a reasonable and proportionately short period of, normally, paid or unpaid leave

Other arrangements may be made that are reasonable and prioritise the short term needs of the employee alongside the short and medium term needs of the Trust.

Safety at work

The Trust will actively provide support to employees to minimise the risk to their safety while at work, if they make it known to the Trust that they are experiencing domestic abuse.

This support may include work schedule adjustments or workplace relocation (if available).

Providing support for employees

The Trust intends to make support available to employees involved in domestic abuse. The Trust will provide support through its managers, Human Resources and occupational health. The manager's role in providing support is outlined above in Section 5.1.

The Trust recognises that perpetrators of domestic abuse may wish to seek help and support voluntarily. Reasonable support will be provided by the Trust particularly where the matter is proactively raised outside of any formal processes being taken against them by external agencies.

Raising awareness in the workplace

The Trust will raise awareness of domestic abuse through the following measures:

- publishing, maintaining and posting in locations of high visibility a list of external resources for survivors and perpetrators of domestic abuse.
- publicising and distributing information on the Trust's policy.

6. Roles and responsibilities

6.1 Managers will:

- be available and approachable to employees experiencing domestic abuse;
- keep information confidential, subject to the requirements of safeguarding children and vulnerable adults processes and the Crime and Disorder Act. For more information see [Safeguarding pages](#) on Ourspace;
- discuss the specific steps that can be taken to help the employee stay safe in the workplace;
- ensure the employee is aware of options available to them, as referenced in this document;
- encourage affected employees to [seek advice from external agencies](#)
- encourage affected employees to utilise support mechanisms available internally to the Trust (e.g. [Occupational Health, Staff Support Service](#)).

Supporting Employees Who Experience Domestic Abuse Policy	Expiry date: 31/12/2019	Version No: 3.0	Page 4 of 6
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Supporting Employees Who Experience Domestic Abuse Policy

Human Resources will advise both managers and employees on the implementation of this policy; in particular the use of the [Flexible Working](#) and [Special Leave Policy](#) in cases where employees or their family members are affected by domestic abuse.

Trade Union Representatives will signpost members to appropriate resources and support in the workplace.

6.2 Employees will:

- take note of this policy, and act in accordance with its contents.
- ensure their behaviour at work reflects the aims and values of the Trust and that they follow this policy in maintaining confidentiality and privacy for colleagues experiencing domestic abuse.

7. Training

Further information and advice is available via [Ourspace](#).

8. Monitoring or audit

This policy will be measured against the requirements of employment legislation and the best practice expected from a modern health organisation.

There is no requirement for monitoring or audit, but the information and references available on Ourspace will be monitored annually for accuracy.

Representatives from trades unions formally recognised by the Trust and management representatives have drawn up this policy.

This policy will be reviewed after 3 years or earlier at the request of either party.

9. References

[Flexible Working Policy](#)

[Special Leave Policy](#)

[Disciplinary Policy and Procedure](#)

[Recognition, Prevention and Management of Violence and Aggression Policy](#)

[Safeguarding Children Policy](#)

[Safeguarding Adults at Risk Policy](#)

This policy has been drawn up with reference to current UK and European employment legislation and relevant national terms and conditions.

[NHS Employers](#)

[Corporate Alliance Against Domestic Violence \(CAADV\)](#)

[The Home Office](#)

[Raising the roof on domestic abuse](#)

Version History				
Version	Date	Revision description	Editor	Status
1.0	13 Dec 2011	Policy agreed by QHCG on 13/12/2011 with a one year review	TW	Approved
2.0	30 Nov 2012	Policy reviewed after one year and no revisions made. Agreed to go forward for 3 year review by GNG on 28 Aug 2012, MWMG on 10 Oct and ESEC on 30 Nov 2012	TW	Approved
2.1	19 January 2016	Review date extended to 30 June 2016, as approved by Quality and Standards Committee	HD	Approved
3.0	21 June 2016	Approved by Quality and Standards Committee	HR Business Partner	Approved
3.1	22 July 2019	Extended until December 2019	HRD - JF	approved