

Domestic Abuse Policy

**EAST AYRSHIRE LEISURE**

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**1.0 INTRODUCTION**

**1.1** This Domestic Abuse Policy complements the Policy for Health, Safety and Welfare at Work and focuses on the issues relating to domestic abuse from an employment perspective. It has been developed taking account of the recommendations contained in “*Equally Safe – Scotland’s Strategy for Preventing and Eradicating Violence against Women and Girls”*. On the 1st April 2019 the Domestic Abuse (Scotland) Act 2018 came in to force which is also referred to within this policy.

**1.2** Under the Domestic Abuse (Scotland) Act 2018, it is a criminal offence, punishable by imprisonment for a person to behave in a way which is abusive towards a partner or ex-partner. This includes psychological abuse such as coercive and controlling behaviour as well as violence.

**1.3** East Ayrshire Leisure is aware of its duty of care as a good employer for ensuring, so far as is reasonably practicable, the health, safety and welfare of its employees at work, and for creating an environment in which employees are safe to disclose their experience of abuse in order to access support and increase safety for themselves and others. However, the right of employees not to disclose must be respected and no employee should feel pressured into sharing this information if they do not wish to do so. For some employees the workplace is a safe haven and the only place that offers routes to safety.

**1.4** East Ayrshire Leisure supports various campaigns against domestic abuse and broader violence against women’s issues including the *White Ribbon Campaign* which aims to involve men in taking more responsibility for reducing the level of violence against women.

**2. GENERAL PRINCIPLES**

**2.1** The Policy aims to:

i. Ensure confidential and sympathetic handling of situations arising from domestic abuse.

ii. Assist and support employees requesting help in addressing problems arising from domestic abuse.

iii. Provide support to employees in a sympathetic, non-judgemental and confidential manner whilst trying to reduce the stigma surrounding Domestic Abuse.

iv. Provide a framework for addressing the behaviour of employees who may be perpetrators of abuse and who may pose a risk to other employees within the context of their work.

**2.2** The guidance refers equally to both women and men. Research shows that women are more likely to experience domestic abuse than men and to suffer more serious injury and ongoing assaults than men. However, it should be acknowledged that men can experience domestic abuse from their female partner and that domestic abuse also occurs in same-sex relationships.

**2.3** All employees who experience abuse should be supported regardless of gender and the type of abuse.

**2.4** Domestic abuse, as a recognised form of gender-based violence has a devastating impact on individuals and their families. Being a good employer includes supporting employees through new or difficult periods in their lives. For some employees the workplace is a safe haven and the only place that offers routes to safety.

**2.5** Although the domestic abuse will occur predominately outside of the workplace, the employment implications for employees who experience abuse are significant. It may have a detrimental impact on health and well-being, which may affect attendance, performance and effectiveness.

**2.6** All disclosures of abuse experienced by employees should be treated confidentially, the key exception being situations where there is reason to believe that there may be a risk to others, including harm to children. In these circumstances, local child/adult protection procedures should be followed.

**2.7** The role of a Manager is not to deal with the abuse itself but to make it clear through the Domestic Abuse Policy that employees will be supported and to outline what help is available.

**2.8** Where an employee feels more comfortable discussing the situation out with their own service, then they should contact Human Resources.

**2.9** The Policy applies to all employees of East Ayrshire Leisure.

**3. DEFINITIONS**

**3.1** Domestic abuse is the abuse of power and control over one person by another and can take many different forms including physical, sexual, emotional, verbal and financial abuse as well as coercive control.

**3.2** Coercive control is an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim. This controlling behaviour is designed to make a person dependent by isolating them from support, exploiting them, depriving them of independence and regulating their everyday behaviour.

**3.3** Gender-based violence is violence that is directed against a woman because she is a woman, or violence that affects women disproportionately and is a manifestation of historically unequal power relations between men and women. However men can also be impacted by it. “Gender based violence (GBV) is a major public health, equality and human rights issue. It covers a spectrum of violence and abuse, committed primarily but not exclusively against women by men” (NHS Website).

**3.4** Harassment and Stalking is unwanted, persistent and often threatening attention for example following someone, constantly phoning, texting or e-mailing at home or work.

**3.5** Honour crimes are violence excused as forms of punishment for behaviour which is perceived as deviating from what the family or community believes to be the ‘correct’ form of behaviour sometimes referred to as ‘family honour’.

**4. GUIDANCE FOR MANAGERS**

**4.1** Managers have a role to address the needs of employees who are experiencing domestic abuse. In cases where an employee raises their experience of domestic abuse, you should endeavour to provide flexible support tailored to meet the circumstances of each individual, taking into account any additional needs that they may have.

**4.2** Be aware of the parameters of your role as a Manager and make clear to an employee what you can and cannot provide.

**4.3** Managers should be mindful of the potential barriers that make it difficult for employees to seek support and should be conscious not to make judgements or to provide counselling or advice but seek expert input where appropriate. The following guidance may assist Managers:

**4.4 Recognise the Problem**

i. Look for sudden changes in behaviour such as an employee becoming withdrawn and quiet and/or changes in the quality of work performance for unexplained reasons.

ii. Look for changes in the way an employee dresses, for example excessive clothing on a hot day, changes to the amount of make-up used which may indicate the covering up of signs of physical violence.

iii. Look for injuries such as bruises that are explained away; explanations for injuries that are inconsistent with the injuries displayed.

iv. Look for other possible indicators for example high absenteeism rate and/or recurring lateness without explanation.

v. Look for overly secretive behaviours regarding home life.

vi. Look for changes if an employee appears to be isolated from friends and family.

vii. Look for interruptions at work, for example repeated upsetting calls/texts/e-mails; reluctance to turn off mobile phone at work.

**4.5 How to Respond**

i. Believe an employee if they disclose that they are experiencing domestic abuse – do not ask for proof.

ii. Speak to the employee about their immediate and future safety and assist them to think through their options for example agree a safety plan, discuss support networks, protection strategies and provide telephone numbers for organisations that can help including the police, women’s aid, men’s aid and rape crisis. Contact can be made with the Police Local Authority Liaison Officer.

iii. Reassure the employee that East Ayrshire Leisure has an understanding of how domestic abuse may impact them within the workplace and the support that can be offered.

iv. Undertake a risk assessment to ensure that the potential risk to employees and colleagues is lessened. Provide a range of practical workplace safety measures such as an assumed name at work, provision of a temporary mobile phone, mutual agreement of a safe, confidential method of communication etc.

**4.6 Provide Support**

i. Offer counselling or other appropriate agency details of which are attached as **Appendix A.**

ii. Divert phone calls or change phone extension number if employee is receiving harassing calls, with the consent of the employee.

iii. Agree with the employee what, if anything, to tell colleagues and how they should respond if their partner or former partner telephones or visits the workplace.

iv. Ensure the employee does not work alone or in an isolated area and check that the employee has arrangements for getting safely to and from home.

v. Keep a record of any incidents of abuse in the workplace, including persistent telephone calls, emails or visits to the workplace.

vi. Employees who are victims of domestic abuse may be granted paid special leave for reasons including but not limited to:

a. Attending medical appointments and counselling

b. Attending legal proceedings

c. Seeking safe housing

d. Visiting legal advisors or support agencies

e. Rehousing

f. Reorganising childcare

g. Other relevant matters as a result of domestic abuse.

vii. Consideration should be given to each individual’s circumstances when granting paid special leave. Advice can be sought from Human Resources.

viii. You should maintain regular contact with the employee if they have disclosed domestic abuse to evaluate whether any measures put in place are working or if any alternative measures are required.

**4.7 Additional information**

i. You should implement and communicate the Policy to all employees and ensure its implementation.

ii. You should not deal with the abuse itself but make it clear that employees will be supported and outline what help is available and the various ways East Ayrshire Leisure can support them.

iii. Each employee’s needs are different and as you are required to maintain confidentiality throughout the process, you must be prepared to handle any speculation which may arise from other employees.

iv. If the employee’s work performance has been deteriorating prior to their disclosure of domestic abuse then you should still continue to monitor this and support the employee as necessary. Any changes to the working pattern or other support offered to the employee may be enough to remedy any issues with the employee’s work performance/attendance. Where appropriate, meetings can take place with the employee, their Trade Union Representative where applicable and a representative from the EAC Human Resources Service to discuss any issues arising from the employee’s absence related to the physical, psychological and emotional recovery from domestic abuse.

v. It is vital that the employee has the chance to consider all the available options and decide for themselves how they wish to handle matters.

vi. Domestic abuse can affect both sexes and in responding to employees, you are expected to be available and approachable; to listen and reassure; respond in a sensible and non-judgemental manner and discuss how East Ayrshire Leisure can support the employee concerned.

**4.8** Any serious concerns regarding any issues raised can be discussed with EAC Legal Service or Integrated Health and Social Care Partnership before taking any action.

**5. WORKPLACE ADJUSTMENTS**

**5.1** It may be necessary when supporting an employee to consider the need for making work related adjustments. Examples of work related adjustments are:-

i. Change work patterns or adjust workload for temporary period to make it more manageable.

ii. Give favourable consideration to any request for a change of workplace/work arrangements.

iii. Approve requests for an advance of pay.

iv. Agree that an employee can use an assumed name at work.

v. Review the security of information held such as temporary or new addresses, bank or healthcare details.

vi. With the employee’s consent, advise colleagues of the situation on a need to know basis and agree the response should the perpetrator/alleged perpetrator contact the workplace or present themselves at the workplace.

vii. At times when the employee needs to be absent from work, mutually agree a safe, confidential method of communication and consider safety implications that may arise when working from home.

viii. Implement particular security arrangements that may have to be put in place to ensure the safety of the employee and colleagues.

**6. SUPPORT – AS AND WHEN REQUIRED**

**6.1** Depending on their situation, some employees affected by domestic abuse may refuse support at a particular time or only take up partial support. Dealing with domestic abuse is a process that takes time and there are various reasons why employees may find it difficult to seek support. For example they may have pressure from family to remain silent/stay in the relationship; financial pressures may restrict their options especially if children are involved; and/or they may feel it is safer to stay. It should be noted that contrary to popular belief evidence shows that the most significant episode of violence can be experienced at the point of ending an abusive relationship or once the relationship has ended.

It is important to remain non-judgemental and supportive.

**6.2** It is the employee’s choice on whether or not to accept support and managers should respect their decision, reassure them East Ayrshire Leisure’s primary concern is for their safety and remind them that support is available if they need it in future.

**6.3** Even if a manager disagrees with the decisions being made by the employee regarding an employee’s relationship it is important to understand that a victim of domestic abuse may make a number of attempts to leave their partner before they are finally able to do so.

**7. GUIDANCE FOR EMPLOYEES**

**7.1** Employees are encouraged to respond appropriately if they suspect that a colleague is experiencing or perpetrating abuse. An employee may not want to discuss the abuse but concerns should be raised in confidence with a Manager.

**7.2** Some victims of domestic abuse may feel unable to accept help, which can be frustrating. Offer support where possible, but do not force an individual to disclose abuse or to follow a course of action they are uncomfortable with.

**7.3** Any concerns about an employee should be raised in confidence and where possible with the permission of the individual. Never divulge personal information about colleagues to others, including other colleagues, without their permission.

**7.4** Witnessing a colleague experiencing domestic abuse can be traumatic and you may feel powerless or unable to help. Remember that you can seek support from your Manager or from the local or national helplines detailed in Appendix A, as well as the Police direct or through the Police Local Authority Liaison Officer. Employees can raise concerns, if appropriate, under East Ayrshire Leisure’s Whistleblowing Policy.

**8. ALLEGATIONS OF ABUSE WITHIN THE WORKPLACE**

**8.1** Any employees who are alleged perpetrators of abuse within the workplace may be dealt with in accordance with East Ayrshire Leisure’s Harassment and Bullying Policy and Procedure and where applicable East Ayrshire Leisure’s Disciplinary Policy and Procedures.

**9. ALLEGATIONS OF ABUSE OUTWITH THE WORKPLACE**

**9.1** Any employees who are alleged perpetrators of abuse outwith the workplace may be dealt with in accordance with East Ayrshire Leisure’s Disciplinary Policy and Procedures. Examples of alleged abuse may include domestic abuse; gender-based violence; physical or sexual abuse of children; downloading child pornography; sexual violence; involvement in honour violence; stalking or online abuse and coercive control.

**9.2** When a disclosure or allegation of abuse is brought to the attention of a manager, this should be acted on promptly.

**10. ALLEGATIONS WITHOUT FOUNDATION**

**10.1** Where an employee has made an allegation without foundation that another employee is perpetrating abuse, and the allegation is believed to be malicious, this will be viewed as a serious employee conduct issue and will be investigated and addressed using East Ayrshire Leisure’s Disciplinary Policy and Procedure.

**11. VICTIMISATION**

**11.1** Employees should not suffer victimisation as a result of the application of any aspect of this Policy. Where there is evidence that an employee has been victimised this will be considered as a serious employee conduct issue and will be investigated under East Ayrshire Leisure’s Disciplinary Policy and Procedure.

**12. CONFIDENTIALITY**

**12.1** All advice, information and support provided to an employee will remain confidential. No information should be disclosed without the express consent of the employee. However, where issues regarding the protection of children or the protection of adults in need of support arise, the child protection and the adult protection services may need to be involved as may the Police.

**13. ADVICE AND GUIDANCE**

**13.1** Employees can obtain advice and guidance on any issues relating to domestic abuse as detailed in the Policy from:

- EAC Human Resources Officers - Trade Union Representative

- Occupational Health Service - Relevant Referral Agency

- Support Agency

**13.2** A list of organisations that can offer further advice and practical guidance on domestic abuse and related issues are detailed in **Appendix A.**

**14. RECORD KEEPING**

**14.1** Any records should be kept strictly confidential and it should be made clear that the recording of information on domestic abuse will have no adverse impact on the employee’s work record.

**15. BEST**

**15.1** This approach reflects the BEST qualities and behaviours which East Ayrshire Leisure has agreed will be embedded within our employment policies to ensure that East Ayrshire Leisure are providing a caring and sympathetic approach to all aspects of our employees lives.

**16. REVIEW**

**16.1** The Policy and Procedures will be subject to an annual desktop review to assess whether a more detailed review is required. The desktop review will take account of operational experience or impending legislative changes. Otherwise, the Policy and Procedures will have a full scheduled review every three years.

**Record of Change**

|  |
| --- |
| **Date Reviewed** |
| Dec 2020 |

**Appendix A**

**FURTHER INFORMATION**

There are a number of organisations that can offer further advice and practical guidance on domestic abuse or gender-based violence in the workplace and related issues. For example:

**LOCAL SERVICES**

**East Ayrshire Womens Aid**

Telephone

Kilmarnock 01563 536001

Cumnock 01290 423434

Email: info@eastayrshirewomensaid.org.uk

Website: <http://eastayrshirewomensaid.org.uk>

**North Ayrshire** 01294 602424

**South Ayrshire** 01292 266482

**Break the Silence (Rape and Sexual Abuse)**

Telephone: 01563 559558

Email: info@breakthesilence.org.uk [www.breakthesilence.org.uk](http://www.breakthesilence.org.uk)

**The Star Centre**

Telephone 01563 544686

Email: admin@starcentreayrshire.org

**Victim Support**

Kilmarnock Office 01563 540252

Email: victimsupport.eastayrshire@victimsupportsco.org.uk

Ayr Office 01292 266411

Irvine Office 01294 277040

Scottish Helpline 0345 603 9213 [www.victimsupportsco.org.uk](http://www.victimsupportsco.org.uk)

**Housing Options Team** 01563 554554

24 hour emergency helpline: 0345 724 0000

Email: homelessness@east-ayrshire.gov.uk

**SOCIAL WORK SERVICES**

**Social Services (Cumnock)**

Rothesay House, 1 Greenholm Road, Cumnock KA18 1LH

01290 427810 social.work@east-ayrshire.gov.uk

**Social Services (Dalmellington)**

33 Main Street, Dalmellington KA6 7QL

01292 552900 social.work@east-ayrshire.gov.uk

**Social Services (Galston)**

Ross Court, Titchfield Street, Galston KA4 8AB

01563 503400 social.work@east-ayrshire.gov.uk

**Social Services (Kilmarnock)**

The Johnnie Walker Bond, 15 Strand Street, Kilmarnock KA1 1HU

Telephone: 01563 554200 social.work@east-ayrshire.gov.uk

[www.east-ayrshire.gov.uk/SocialCareAndHealth/Socialcareandhealth.aspx](http://www.east-ayrshire.gov.uk/SocialCareAndHealth/Socialcareandhealth.aspx)

**Police – Domestic Abuse Unit** 01563 505076

01563 505173

**Citizens Advice Bureau** 01563 544744

**Employee Counselling Service** 0330 660 0365

**Samaritans** 116 123

0330 094 5717

[www.samaritans.org/scotland/branches/ayrshire/](http://www.samaritans.org/scotland/branches/ayrshire/)

**NATIONAL SERVICES**

**24-hour National Domestic Violence**

Helpline

A service for women experiencing domestic violence, their family, friends, colleagues and

others calling on their behalf. It is run in partnership between Women’s Aid and Refuge. Callers may first of all hear an answer phone message before speaking to a person.

**0808 2000 247 FREEPHONE**

helpline@womensaid.org.uk [www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk)

**MEN’S SERVICES**

**Men’s Advice Line** 0808 801 0327

[www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)

**Mankind Initiative** 01823 334 244

[www.mankind.org.uk](http://www.mankind.org.uk)

**Homeless Helpline-Shelter** 0808 800 4444

<https://scotland.shelter.org.uk>

**National Domestic Abuse Violence Helpline** 0808 200 0247

**Refuge** [www.refuge.org.uk](http://www.refuge.org.uk)

**Rights of Women** 020 7251 6577

**Scottish Women’s Aid** 0800 027 1234

<http://womensaid.scot>

**Scottish Domestic Abuse and Forced Marriage** 0800 027 1234

<https://sdafmh.org.uk>

**White Ribbon Campaign** [www.whiteribbonscotland.org.uk](http://www.whiteribbonscotland.org.uk)

**Rape Crisis Scotland National Helpline** on 08088 01 03 02. You can phone the Helpline free any day between 6pm and midnight or if you are deaf or hard of hearing on minicom number 0141 353 3091.

Email: support@rapecrisisscotland.org.uk [www.rapecrisisscotland.org.uk](http://www.rapecrisisscotland.org.uk)

**Black Association of Women Step Out** [www.bawso.org.uk](http://www.bawso.org.uk)

**National LGBT + Domestic Abuse Helpline (Galop)** 0800 999 5428

Email: help@galop.org.uk

**Fearless** 0131 624 7266

Support for people experiencing domestic abuse in Scotland who identify as a man, including trans men.

<https://fearless.scot/contact/>

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