

**This policy is currently under review and now forms part of the Trust's Safeguarding policies and procedures**

<b>Domestic Violence Policy and Guidance on supporting affected employees</b>	
<b>Author</b>	John Walsh Organisational Development Lead
<b>Corporate Lead</b>	Laura Smith & Jenny Allen Director of Workforce
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### **Equality Analysis**

Leeds Community Healthcare NHS Trust's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims, Equality Analysis has been undertaken on this policy and any outcomes have been considered in the development of this guideline.

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## **1 Introduction**

This policy is part of Leeds Community Healthcare NHS Trust's (LCH) commitment to family-friendly working and seeks to benefit the welfare of individual members of staff, retain valued employees; improve morale and performance and enhance the reputation of the Trust as an employer of choice.

LCH is committed to promoting zero tolerance of domestic violence. The purpose of this policy is to ensure that any LCH staff member who is experiencing, or has experienced, domestic violence can raise the issue, in the knowledge that the matter will be addressed effectively, sympathetically and confidentially.

It is important to recognise that domestic violence is a crime and a widespread public health issue that cannot be ignored. LCH will promote the understanding that everyone has the right to live free from violence and abuse in any form and that the responsibility for the violence lies with the perpetrator. The majority of domestic violence incidents and the most serious and repeated acts are committed by men against women. It is, however, important to recognise that domestic violence also occurs in other circumstances e.g. same gender relationships, women against men and from other family members.

Domestic violence affects all sections of society and within LCH there may be people who have direct experience in their personal or professional lives and those who may be perpetrators of violence. Whilst LCH acknowledges that it is mainly women who experience domestic violence, this policy applies equally to men who need advice or support.

Under the Health and Safety at Work Act (1974) and Management of Health and Safety at Work Regulations (1992) LCH recognises its legal responsibilities in promoting the welfare and safety the workforce, therefore this policy applies to all staff including agency, contract and elected members. This policy is part of a much wider national and local strategy aimed at addressing domestic violence.

## **2 Aim**

The guidance within the policy aims to ensure that when it is known that an LCH staff member is experiencing or, affected by, domestic violence, that they receive a response which is appropriate and effective in promoting their welfare and safety. Equally it aims to ensure that appropriate sanctions are applied in relation to known perpetrators in the workforce.

## **3 Definitions**

### **Domestic Violence**

The cross-government definition of domestic violence and abuse is:

“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- Psychological abuse
- Physical violence
- Sexual violence/abuse
- Financial abuse
- Emotional abuse”

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**Controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, 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.

The terminology throughout this document will be **domestic violence** as opposed to **domestic abuse**.

### **4 Identification of domestic violence in the work setting**

LCH respects employees' right to privacy, however the Trust is committed to the welfare of its employees and seeks to support and assist any member of staff who is experiencing problems related to domestic violence.

It is recognised that a person subject to domestic violence will usually be reluctant to disclose their experience. Whilst it is for the individual to recognise that they are a victim of domestic violence some of the possible signs that could indicate that it is an issue for a colleague can include:

- physical injuries
- inappropriate clothing, extra make-up
- employee appears to be reluctant to go home
- negative changes to mental wellbeing
- poor punctuality
- fall in attendance (including frequent external appointments)
- deteriorating work performance
- fall in productivity
- a high level of contact, e.g. texts, telephone calls, e-mails, from a partner or ex-partner

It is essential to understand that any of the above may arise from a range of circumstances of which domestic violence may be one.

### **5 Confidentiality**

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

There are circumstances where total confidentiality cannot be assured e.g. where there are concerns about children, vulnerable adults or where there is a high risk of homicide.

In circumstances where LCH has to breach confidentiality it will seek specialist advice before doing so. If it is decided, after taking advice, to proceed in breaching confidentiality, the employee will be given an explanation of the reason for disclosure and their agreement will be sought.

As far as possible information will only be shared on a 'need to know' basis. Improper disclosures of information may be subject to disciplinary action.

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All employee records concerning domestic violence will be kept strictly confidential. Absences related to domestic violence will not have a negative impact on the employment records of the individuals.

### 6 Responsibilities

All staff employed by LCH must work in concordance with the West Yorkshire Consortium Safeguarding Multi-agency Policies and Procedures and local guidelines in relation to any safeguarding concerns they have for colleagues, service users and the public with whom they have contact. It must be noted that children exposed to domestic violence are at risk of physical and psychological abuse and therefore a referral to Social Services must be considered where they are involved. Where there is a high risk of homicide a referral to the Leeds Multi-Agency Risk Assessment Conference (MARAC) must be made (See Section 9).

6.1 **The Chief Executive** is responsible for the fair and sensitive application of the policy throughout LCH and delegates its implementation to the Director of Workforce.

6.2 **The Workforce Department** are responsible for ensuring that:

- specific training and awareness raising on supporting employees experiencing domestic violence is available for relevant staff groups
- nominated contacts are available to support employees experiencing domestic violence
- employees experiencing domestic violence receive a consistent, supportive and effective response within the workplace

6.3 **Line managers** are responsible for:

- ensuring that they have an awareness of domestic violence (See Section 10)
- responding non-judgmentally, sympathetically, confidentially and effectively to any member of staff who discloses that they are experiencing domestic violence
- respecting the right of staff to make their own decisions on the course of action at every stage of ending the violence
- signposting to appropriate sources of support (Appendix 1)
- ensuring that any incident of domestic violence **occurring in the workplace** is appropriately recorded on Datix®

Line managers may offer employees experiencing domestic violence a broad range of support including (but not limited to) the following:

- leave, in line with the Special Leave Policy, for relevant appointments e.g. support agencies, solicitors, court appointments, rearranging housing or childcare provision
- temporary or permanent changes to working times and patterns
- changes to specific duties to avoid potential contact with the perpetrator in a patient facing role
- temporary or permanent redeployment or relocation
- increasing security in the workplace e.g. changing a telephone number
- an advance of pay
- access to counselling or support services in paid time

LCH recognises that developing a life free from domestic violence is a process not a one off event and is therefore committed to providing ongoing support for employees disclosing domestic violence. People experiencing domestic violence may need time to decide what

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to do and may try many different options in this process. Most will return to the abuser at least once, however this does not change their need for ongoing support.

6.4 **‘Domestic Violence Support Team Members’** are LCH clinicians with a special interest in, and experience of, supporting people affected by domestic violence. They are responsible for:

- providing a responsive, non-judgmental listening ear to the affected employee
- signposting to the relevant support agencies
- supporting safety planning in partnership with the affected employee
- supporting managers to provide effective responses

The contact details of the team will be available on Elsie.

6.5 **All LCH employees** are responsible for ensuring that they do not divulge personal details of other employees such as addresses, telephone numbers or working patterns.

It is good practice for all staff within health services to:

- have an awareness of domestic violence and its impact
- understand that colleagues may be affected as well as their patients
- ensure that they provide a safe and effective response

## **7 Perpetrators**

7.1 LCH employees who are perpetrators of domestic violence, as evidenced by the methods below, will be advised to seek support from an appropriate agency e.g. S.T.O.P (see Appendix 1).

- Self disclosure
- Disclosure and Barring Service (DBS) notification, police report or safeguarding processes
- Information or allegations from a victim or a third party

7.2 All allegations and disclosures will be investigated. Advice must be sought from the Workforce Department before instigating any form of action in line with the LCH Disciplinary Policy and/or the Acceptable Standards of Behaviour Policy. Doctors and Dentists must also refer to the Managing High Professional Standards Policy.

7.3 Staff are obliged to report to their line manager any criminal activity or investigations into criminal activity in which they may be involved during their employment with the Trust. Non-disclosure of this information may be considered a breach of contract and will be managed in line with the Disciplinary Policy.

7.4 As part of any investigation LCH may require the employee to undertake a DBS check to inform any decisions.

7.5 In certain circumstances the organisation may take the decision either in the short or long term that, due to the nature of their employment, an employee convicted of domestic violence offences will not be able to remain in the workplace. Consideration must also be given to informing the employee’s Professional Body if applicable.

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7.6 Where it is alleged that a child has been harmed by a member of LCH staff managers must follow the SOP for Responding to Allegations of Abuse (LADO Procedure). For further guidance contact the Safeguarding Team on 0113 8430210.

### **8 Police Investigations**

The complainant may, under relevant legislation, choose to make a formal complaint to the Police. If this route is chosen, the complainant must inform the Head of Workforce.

In such situations:-

- any Police investigation will take priority over internal investigations
- investigation officers must not hamper the Police investigation
- internal investigations may continue if appropriate during Police investigations.

Police advice must be taken as to whether it is appropriate to continue an investigation.

**Doctors and Dentists must refer to the Managing High Standards of Performance Policy.**

### **9 Risk Assessments**

**In situations of immediate high risk contact the police on 999**

Specific risk assessments are used by the specialist agencies supporting those experiencing domestic violence, therefore all LCH employees making a disclosure will be encouraged to contact the Domestic Violence Team on the 24 hour helpline number – 0113 2460401. Where risk assessment indicates a high risk of homicide a referral to the Leeds Multi-Agency Risk Assessment Conference (MARAC) will be made.

It must be noted that children exposed to domestic violence are at risk of physical and psychological abuse and therefore, where they are involved, a referral to Social Services must be considered. This would be preferably with the employee's consent however in certain circumstances it can be provided without. For further guidance refer to the Standard Operating Procedure for Responding to Allegations of abuse against a staff member or contact the Safeguarding Team on 0113 8430210.

### **10 Training Needs**

Two e-learning packages; Domestic Violence – Introduction and Identifying and Responding to Abuse, are available within LCH on the Oracle Learning Management (OLM) system.

Leeds City Council Domestic Violence Team lead on the delivery of a variety of awareness raising and training courses. Further details are available on request by contacting [dvteam@leeds.gov.uk](mailto:dvteam@leeds.gov.uk).

### **11 Monitoring Compliance and Effectiveness**

Due to the confidential nature of the issues outlined in this document formal monitoring of compliance and effectiveness will not be possible. The Workforce Department will seek feedback on the application of the guidance from managers, trade union representatives, Domestic Violence Support Team members and affected employees.

## **Domestic Violence Policy and Guidance on supporting affected employees**

### **12 Approval process**

This document has been consulted on across the organisation and with the Leeds City Council Domestic Violence Team. The Policy has been quality assured by the Quality and Professional Development Department and approved by the Joint Negotiating and Consultation Forum (JNCF).

### **13 Dissemination and Implementation**

Dissemination of the policy will be via the Quality and Professional Development Department and made available to staff via the Trust intranet. The policy will be highlighted in relevant team briefings.

### **14 Review arrangements**

The policy will be reviewed by the author, or their deputy, 3 years from the approval date unless significant evidence or feedback indicates an earlier review.

### **15 References**

Leeds City Council Domestic Violence Policy and Guidance

Managing and Supporting Employees Experiencing Domestic Abuse  
Equality & Human Rights Commission /Chartered Institute of Personnel Development  
2013

<http://www.cipd.co.uk/binaries/6098%20DomesticAbuse%20guide%20> (viewed 21/08/13)

Policy on Domestic Abuse affecting staff (Perpetrators and victims)  
NHS Devon, Plymouth and Torbay  
2012

Responding to Domestic Abuse: A handbook for health professionals  
DH 2005

Stonewall Health Briefing – Domestic Abuse  
[www.healthyives.stonewall.org.uk](http://www.healthyives.stonewall.org.uk)

Template for a Model Domestic Violence Policy  
Unite the Union 2013

### **16 Associated documents**

Children Act (1989) 2004

Health and Safety at Work Act 1974

Management of Health and Safety at Work Regulations 1992

LCH Managing Concerns with Performance Policy

LCH Sickness Absence Policy

LCH Flexible Working Policy

LCH Disciplinary Policy

LCH Special Leave Policy

LCH Lone Working Policy

LCH Responding to Allegations of Abuse SOP (LADO Procedure)

LCH Managing High Professional Standards Policy

Statement of Particulars (Contract of Employment)

Professional Codes of Conduct

## Appendix 1

### Useful Contacts

#### **Leeds City Council Domestic Violence Team 24 hour helpline – 0113 2460401**

**National Domestic Violence Free-phone Helpline – Tel: 0800 2000 247**

This is run by Women's Aid and Refuge [www.womensaid.org.uk](http://www.womensaid.org.uk)

They will provide information and advice on discussing domestic violence with employees

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

Specialist agency providing culturally sensitive and appropriate information and services to black and minority ethnic groups

**Broken Rainbow [www.broken-rainbow.org.uk](http://www.broken-rainbow.org.uk)**

Provides support for lesbian, gay, bisexual and transgender people experiencing abuse

**Men's Advice Line [www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)**

Offers practical advice, information and support to male victims of domestic abuse as well as concerned families and friends

**Corporate Alliance Against Domestic Violence – [www.caada.org.uk](http://www.caada.org.uk)**

National charity working to ensure effective responses to domestic violence nationwide. <http://www.lada.btck.co.uk/IDVAsandMARACexplained>

**S.T.O.P(Start Treating Others Positively) –support for perpetrators & victims**

Unit 6, 3rd Floor, Duncan House, 14 Duncan Street Leeds LS1 6DL

Tel: 0113- 244 6007 [www.stoponline.org](http://www.stoponline.org) - e-mail: [administrator@stoponline.org](mailto:administrator@stoponline.org)

Additional support for people from marginalised groups experiencing DV can be found on the links below

Asylum seekers/Refugees

<http://www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=000100010008000100350002>

Trans People

[http://www.domesticviolencelondon.nhs.uk/uploads/downloads/DV%20Trans%20guide\\_FINAL\\_FOR\\_WEB.pdf](http://www.domesticviolencelondon.nhs.uk/uploads/downloads/DV%20Trans%20guide_FINAL_FOR_WEB.pdf)

People with a disability

<http://www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=000100010008000100350003>