

<b>Domestic Abuse Policy and Guidance on Supporting Affected Employees</b>	
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## **Executive Summary**

This policy sets out Leeds Community Healthcare NHS Trust's (LCH) responsibility towards all its employees in terms of the identification of and the subsequent support towards any employee experiencing, or having experienced, domestic violence.

This policy details the different forms of support that may be offered to an employee in these circumstances, and the necessary levels of confidentiality that must be upheld by LCH and its employees regarding the disclosure of domestic violence by an employee.

This policy also details what steps should be followed in the case of an LCH employee who is the perpetrator of domestic violence, in terms of investigation and disciplinary procedure, as well as the responsibility of the employee for self-disclosure.

## **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/abuse. The purpose of this policy is to ensure that any LCH staff member who is experiencing, or has experienced, domestic violence/abuse 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/abuse 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. Many domestic violence/abuse incidents and the most serious and repeated acts are committed by men against women. It is, however, important to recognise that domestic violence/abuse also occurs in other circumstances e.g., same gender relationships, women against men and from other family members.

Domestic violence/abuse 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/abuse, this policy applies equally to men who need advice or support.

Under the Health and Safety at Work etc Act (1974) and The Management of Health and Safety at Work Regulations (1999), LCH recognises its legal responsibilities in ensuring the health, safety and welfare of people at work; 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 Aims and Objectives

The guidance within the policy aims to ensure that when it is known that an LCH staff member is experiencing or is 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/Abuse**

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

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- Physical violence
- Sexual violence/abuse
- Financial abuse/Economic abuse
- Emotional abuse

**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/Abuse**.

### **4 Identification of domestic violence/abuse experienced by LCH staff**

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/abuse will usually be reluctant to disclose their experience. Whilst it is for the individual to recognise that they are a victim of domestic violence/abuse, 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 may use these to hide wounds/bruises)
- 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.

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In circumstances where LCH must breach confidentiality it will seek specialist advice before doing so. If it is decided, after taking advice, to proceed in breaching confidentiality, an explanation will be given to the employee as to 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.

All employee records concerning domestic violence will be kept strictly confidential unless exceptional circumstances apply. Absences related to domestic violence/abuse 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 Safeguarding Adults West and North Yorkshire and York Multi-Agency policy 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 request for contact to Social Care must be considered where they are involved. Completion of a DASH Risk Assessment (Domestic Abuse, stalking and honour-based violence) should be considered. If it is high risk, then a referral to the Leeds Multi-Agency Risk Assessment Conference (MARAC) must be made (see Section 9). The link below takes you to the Domestic Violence/Abuse Flowchart which incorporates the DASH Risk Assessment and the MARAC information.

<http://nww.leedscommunityhealthcare.nhs.uk/app/fileshare/view.asp?uid=20041>

**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 and the Executive Director of Nursing and AHP'S** are responsible for ensuring that:

- Specific training and awareness-raising on supporting employees experiencing domestic violence/abuse is available for relevant staff groups.
- Nominated contacts are available to support employees experiencing domestic violence.
- Employees experiencing domestic violence/abuse receive a consistent, supportive and effective response within the workplace.

It is recognised that developing a life free from abuse is a process not an event and Leeds Community Healthcare will provide ongoing support for employees who disclose abuse and will support the union's activities on raising awareness and tackling the issue of domestic abuse. This may involve working with the employee and a specialist agency (with the employee's consent) to identify what actions can be taken to increase their personal safety as well as address any risks there may be to colleagues, considering the duty of care for all employees.

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Trade Union representatives will work together co-operatively to help staff experiencing domestic violence/abuse by offering support for victims through the established representatives who are available as part of the wider strategy in responding to Domestic Abuse. The Trade Union recognises that work is often considered to be a place of safety for victims and can offer additional support. This is to ensure that anyone experiencing domestic violence/abuse is not disadvantaged within the terms and conditions of their employment and that all reasonable steps are taken to offer support, flexibility and workplace adjustments some of which are outlined in **6.3**.

Staff side can be contacted on [lch.staffside@nhs.net](mailto:lch.staffside@nhs.net) or 0113 8555070

Additional support for Doctor's can be found at [www.bma.org.uk/wellbeingsupport](http://www.bma.org.uk/wellbeingsupport)

<https://www.bma.org.uk/advice-and-support/your-wellbeing>

All employees will be made aware of this policy through a range of methods including induction, training, appraisal, leaflets and posters.

### 6.3 Line managers are responsible for:

- Ensuring that they have an awareness of domestic violence/abuse (See Section 10)
- Responding non-judgmentally, empathetically, 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 on NHS premises** is appropriately recorded on Datix®. However, the disclosure itself or request for support must not be reported on Datix®

Line managers are not expected to act as experts in the area of Domestic Violence/Abuse, but must offer employees experiencing it 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, police meetings, 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/abuse 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/abuse may need time to decide what to do and may try many different

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options in this process. Most will return to the perpetrator at least once; this does not however change their need for ongoing support.

- 6.4 LCH Safeguarding Team** are clinicians with a wide variety of knowledge and experience of, supporting people affected by domestic violence/abuse. 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.
- 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.
- Escalate any concerns they may have regarding the welfare of a colleague.

## **7 Perpetrators**

- 7.1** LCH will demonstrate a zero-tolerance approach to employees who are perpetrators of domestic violence. Perpetrators may be identified through any of the following measures:
- 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 must 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 an additional DBS (Disclosure and Barring Service).
- 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/abuse 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:

- A Police investigation will take priority over internal investigations.
- LCH investigations must not hamper a Police Force 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. Records of discussions regarding the Domestic Violence/Abuse incident may be subjected to Police review.

**All LCH staff must refer to their own Professional Code of conduct.**

### **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/abuse are at risk of physical and psychological abuse and therefore, where they are involved, a request for contact to Social Care 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**

**Domestic violence/abuse, routine enquiry and Safeguarding training are available to LCH staff. Level 3 Safeguarding should be undertaken by senior staff. Dates are available on intranet and the training is bookable via ESR.**

Leeds City Council Domestic Violence Team lead on the delivery of a variety of awareness raising and training courses. This training is open to LCH staff on request. Further details are available on request by contacting [dvteam@leeds.gov.uk](mailto:dvteam@leeds.gov.uk) or [lchsafeguardingteam@nhs.net](mailto:lchsafeguardingteam@nhs.net)

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

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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.

### **12 Approval and Ratification process**

This document has been consulted on across the organisation and with the Leeds City Council Domestic Violence Team. The policy has been approved by the appropriate body and ratified by SMT on behalf of the Board.

### **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**

This policy will be reviewed in three years following ratification by the author or sooner if there is a local or national requirement.

#### Associated documents

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)

Domestic Abuse Flowchart with access to DASH Risk Assessment and MARAC  
<http://www.leedscommunityhealthcare.nhs.uk/app/fileshare/view.asp?uid=20041>

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### 15 References

Leeds City Council 2021 Information for practitioners working with Domestic Violence & Abuse

<https://www.leeds.gov.uk/antisocial-behaviour-and-crime/domestic-violence-and-abuse/information-for-practitioners-working-in-domestic-violence-and-abuse>

Equality & Human Rights Commission & Chartered Institute of Personnel Development (2020) Managing and Supporting Employees Experiencing Domestic Abuse

<https://www.cipd.co.uk/knowledge/culture/well-being/supporting-employees-experiencing-domestic-abuse>

Devon Partnership NHS Trust (2019) Domestic abuse [Policy: C45]

<https://www.dpt.nhs.uk/download/eDYW2nty2T>

Department of Health (2017) [Responding to domestic abuse: a resource for health professionals](#)

Nursing and Midwifery Council (2018) [The Code. Professional standards of Practice and behaviour for nurses, midwives and nursing associates](#)

Stonewall (2015) [Domestic Abuse – Stonewall Health Briefing \(2012\)](#)

Unite the Union (2020) Template for a Model Domestic Violence Policy

### 16 Relevant legislation

[Children Act 1989 & 2004](#)

[Health and Safety at Work etc Act 1974](#)

[The Management of Health and Safety at Work Regulations 1999](#)

## Appendix 1 - Useful Contacts

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

LCH Safeguarding team 0113 8430210.

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.

Respect Men's Advice Line [www.mensadvice.org.uk](http://www.mensadvice.org.uk)  
Offers practical advice, information and support to male victims of domestic abuse as well as concerned families and friends.

Leeds Domestic Violence Service provides support for men, women & LGBTQ.

<https://ldvs.uk/>

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

Asylum seekers/Refugees-Additional Information  
<https://www.womensaid.org.uk/>

Karma Nirvana is an award-winning National charity supporting victims of honour-based abuse and forced marriage.  
<https://karmanirvana.org.uk/contact/>

LGBTQ-Additional information

[https://www.ananiasfoundation.org/abuse-in-lgbtq-relationships/?gclid=EAlaIQobChMIkL2qpJKC7wIVjpftCh3sZwnbEAAYASAAEgKqRfD\\_BwE](https://www.ananiasfoundation.org/abuse-in-lgbtq-relationships/?gclid=EAlaIQobChMIkL2qpJKC7wIVjpftCh3sZwnbEAAYASAAEgKqRfD_BwE)

LGBTQ

<http://www.galop.org.uk/>

Learning Disabilities

<https://www.anncrafttrust.org/research/domestic-abuse/>

Autism

### Policy Consultation Process

<b>Title of Document</b>	Domestic Violence/Abuse Policy and Guidance on Supporting Affected Employees
<b>Author (s)</b>	Grace Stewart-Hanson Named Nurse Safeguarding Adults
<b>New / Revised Document</b>	New
<b>Lists of persons involved in developing the policy</b>	Lynne Chambers-Head of Service Children and Adult Safeguarding, Children Looked After & Care Leavers.  Wendy Brown-Named Nurse Safeguarding Children  Sharon Thomas-Safeguarding Advisor  Helen Barwell-Safeguarding Advisor
<b>List of persons involved in the consultation process.</b>	Jenny Allen – Director of Workforce Laura Smith – Director of Workforce Steph Lawrence – Executive Director of Nursing Ruth Burnett – Executive medical Director Caroline McNamara – Adult Business Unit Clinical Lead Hannah Beal – Children’s Business Unit Quality Lead Elaine Goodwin – Specialist Business Unit Clinical Lead Philip Boynes Specialist Business Unit Quality Lead Paula Groves – Children’s Business Unit Service Manager Anne Cherry-Staff Side

