



Northamptonshire Healthcare
NHS Foundation Trust

Managing and Supporting Employees

Experiencing Domestic Abuse

Protocol – HRP036

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1. Why we need this Protocol

Northamptonshire Healthcare NHS Foundation Trust (NHFT) recognises that domestic abuse is a serious issue and that incidents of domestic abuse are common and critically affect many people's lives. The impact on a member of staff experiencing domestic abuse is significant but this may be an area that line managers are unclear about in terms of how to support the member of staff and the extent to which this is a personal or work-related area.

The effects of domestic abuse can influence the health and self-confidence of staff who may in turn feel unable to confide in others or seek help. Many of those that experience domestic abuse have difficulty attending work regularly and demonstrate longer term symptoms such as depression, anxiety, or stress that consequently affect work performance. The Trust recognises that it is important to increase awareness of domestic abuse and its impact in the workplace and are committed to providing guidance for both managers and employees and create safe opportunities and environments for disclosure.

The Trust is committed to treating people with dignity and respect in accordance with the Equality Act 2010 and Human Rights Act 1998. Throughout the production of this protocol due regard has been given to the elimination of unlawful discrimination, harassment and victimisation (as cited in the Equality Act 2010).

The Trust has a duty of care and health and safety laws ensure workers have the right to work in a safe environment where risks to health and well-being are considered and dealt with efficiently. There are four main areas of health and safety law relevant to violence at work:-

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996

An effective workplace protocol on domestic abuse can ensure that employers are complying with these laws.

2. What the Protocol is trying to do

The purpose of this protocol is to provide direction and guidance to all Trust staff and managers on the management and support of employees experiencing domestic abuse. The Trust recognises that domestic abuse is not always obvious or easy to spot. By having visible support available for staff it is hoped that channels of communication will open up for those staff suffering from domestic abuse. In addition, this protocol aims to:-

- Raise awareness as to the nature and signs of domestic abuse and the signs of potential abuse
- Remove misconceptions that domestic abuse is not something that only occurs within heterosexual relationships and remove fears of stigmatisation
- Support employees requesting help in addressing problems arising from domestic abuse
- Ensure that as domestic abuse is disclosed the immediate action is to protect the victim (and children if living in the same household) and to prevent further abuse from taking place
- Ensure that disclosure from staff is treated sympathetically and confidentially

3. Which stakeholders have been involved in the creation of this Protocol

- Director of Human Resources
- Trust Policy Board Attendees
- Staff Side Representatives

4. Any required definitions/explanations

NHFT – Northamptonshire Healthcare NHS Foundation Trust

DOMESTIC 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
- physical
- sexual
- financial
- emotional

Controlling behaviour

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

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.

Forced Marriage

The Foreign and Commonwealth Office and Home Office definition from the Forced Marriage and Law and the Justice System March 2013 is: “A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.”

The Anti-social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry, this includes:-

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place)

- Marrying someone who lacks the mental capacity to consent to the marriage (whether they are pressured to or not)
- Failing to adhere to a Forced Marriage Protection Order is a criminal offence
- The civil remedy of obtaining a Forced Marriage Protection Order through the family courts will continue to exist alongside the new criminal offence, so victims can choose how they wish to be assisted
- Details of the new law can be found on the legislation website

Honour Based Violence (HBV)

Honour Based Abuse - An incident or crime which has or may have been committed to protect or defend the 'honour' of the family and/or community.

Honour Killing - An 'honour' killing is sometimes carried out when victims are perceived to have caused irreversible dishonour to the family name by engaging in Western behaviours. It could be that the victim has a boyfriend or has refused an arranged marriage.

Female Genital Mutilation (FGM)

FGM is any procedure that is designed to alter or injure a girl's (or woman's) genital organs for non-medical reasons. It is sometimes known as 'female circumcision' or 'female genital cutting'. It is mostly carried out on young girls. Please see SHSC Safeguarding Children Policy for guidance where a child is at risk (Home Office 2013).

5. Key duties

Everyone (regardless of position, grade or role) in the Trust has a role to play in ensuring that their working environment is safe and healthy. All staff should be able to feel valued and make a contribution.

5.1. Role of Management

All managers should be fully conversant with the terms of this protocol and its related procedures and guidance. They must:-

- Inform all staff of their rights and responsibilities and the procedures for raising concerns
- Take all concerns raised seriously and handle them promptly and sensitively
- Investigate all concerns raised quickly and objectively, recording details of incidents in the workplace.

5.2. Role of Human Resources

The Human Resources department will provide guidance, support and coaching to managers on the implementation of the protocol including:-

- Advising managers on the application of the protocol
- Ensuring the effective implementation of this protocol
- Reviewing and amending the protocol in consultation with appropriate groups

5.3. Role of the Employee

Every employee has a personal responsibility to:-

- Comply with this procedure and support its implementation

6. Protocol detail

6.1. Scope

This protocol applies to all staff directly employed by the Trust. In addition, it applies to Bank or agency and the staff of contractors. It also applies to volunteers and peer support workers.

This protocol does not cover domestic abuse experienced by service users. Please refer to the Guidance Document for all Professionals: The Impact of Domestic Abuse on Children, Young People and Families which can be found on the Trust's Intranet.

Where appropriate, this protocol should be used in conjunction with related Trust policies such as (HRp001) Flexible Working and (HRp005) Special Leave for Domestic Personal Family Matters. Additionally, this protocol should be taken account of when considering action under the disciplinary or capability policies. The Trusts responsibility for child protection and vulnerable adult protection set out in relevant Trust policies should also be considered.

6.2. Impact on Work

Domestic abuse can often have an impact on performance at work and therefore may have a direct effect on the quality of service provision. Both managers and colleagues should be aware of the key indicators which may identify abuse, these include:-

- Lateness or absenteeism
- Behavioural changes including low self-esteem, withdrawn or quiet due to feelings of isolation
- Physical and emotional exhaustion
- Work performance

Other indicators may include the following:-

- Secretive about home
- Unusual number of calls from home and strong reaction to these calls
- Partner may attempt to limit their work or social contacts
- Partner may ridicule them in public
- Partner exerts unusual amount of control over their life

6.3. Raising the issue

Employees experiencing domestic abuse may want to consider informing their employer if they are experiencing domestic abuse. It is recognised that this is not always an easy step for those experiencing domestic abuse. Employees who are trade union members may also wish to contact their staff-side representative to access trade union support.

Staff are encouraged to inform their line manager if they are experiencing domestic abuse in the first instance. In this regard, managers will take disclosure seriously, consider the information fully and sympathetically, recognise that admission can be a difficult experience and, where appropriate, seek advice from Human Resources.

In certain cases, members of staff may prefer to raise their concerns with someone with no direct or indirect line management responsibility. Members of staff can, if they wish, therefore contact their HR Business Partner in confidence.

If a manager suspects that an employee is experiencing domestic abuse they should facilitate a meeting as soon as possible to discuss their concerns and identify appropriate support. Managers making the first move in cases where victims may not feel confident in disclosing domestic abuse may help to reduce fear of stigma and feelings of anxiety.

6.4. Responding to and providing support for staff

Managers should respond promptly in providing a non-judgemental and supportive environment to ensure the member of staff feels safe when disclosing. This includes respecting their boundaries and privacy.

It is important to be clear that it is not the manager's role to deal with incidents of domestic abuse or advise employees on dealing with domestic abuse but assist the employee to enable them to decide on a suitable course of action. The manager should:-

- Provide a sensitive and non-judgemental approach
- Ensure that confidentiality is respected as far as possible
- Recognise that the employee may need some time to decide what to do and may try many different options during this process
- Discuss measures to prioritise safety in the workplace
- Be aware of what support is available and explore these options with the employee. The Trust can offer support via Occupational Health including Wellbeing, Mindfulness and Counselling as well as the Trust's Confidential Helpline
- Managers should keep a written note of discussions as they may be required as evidence

If domestic abuse is disclosed, undertaking a workplace risk assessment can ensure that the potential risk to employees and colleagues is lessened. It is important to note that each person's needs are different and that any measures should only be used with the authorisation/consent of the individual concerned. Risk assessments may also assist the manager in offer suitable support. This may include:-

- Paid/unpaid leave to attend relevant appointments, (with support agencies, solicitors, to rearrange housing or childcare, or at Court)
- Temporary or permanent changes to working times and patterns
- Changes to specific duties, for example to avoid potential contact with an abuser in a public-facing role
- Temporary redeployment or relocation
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including flexible working
- Access to counselling/support services in paid time

Each case will be considered on its merits and managers and employees should agree on a combination of annual leave, flexi-time and paid/unpaid absence; where agreement cannot be reached, managers have the right to treat this as sickness absence

6.5. Confidentiality

The Trust respects an employee's right to confidentiality and employees experiencing domestic violence normally have the right to complete 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. This may include referral to the Local Authority Designated Officer (LADO) where the safety or welfare of children is involved. **Confidentiality cannot then be guaranteed in these situations but they will always be dealt with on a strict need to know basis.**

6.6. Time off

The Trust will provide assistance to an employee experiencing domestic abuse. This includes Bank staff.

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 their manager. Advice should also be sought from the relevant Human Resources Business Partner.

The individual's manager will usually explore paid leave options first, which can be arranged to help the employee cope with the situation, without having to take a formal unpaid leave of absence.

Depending on circumstances, these options may include:-

- Arranging flexible work hours (see the Trust's Flexible Working Time Guidance) so the employee can seek protection, go to court, look for new housing, enter counselling, arrange child care, etc.
- Consideration of the appropriate use of sick leave, reduced hours, time in lieu, special leave, unpaid leave (see the Trust's Special Leave for Domestic Personal Family Matters), particularly if requests are for relatively short periods.

These arrangements are regarded as a temporary measure to enable issues to be resolved by the individual and will be reviewed regularly.

6.7. 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 and give an indication of the possible issues that may arise.

Precautions may need to be put in place to protect the individual and carrying out a workplace risk assessment for both the individual and other employees to develop a mutually agreed plan which takes account of workplace safety is encouraged. This support may include:-

- Offering temporary or permanent changes to their workplace, work times and patterns, helping to reduce the risk at work and on their journeys to and from work.
- Reminding reception staff, switchboard or team members not to divulge information about colleagues, especially personal details such as addresses, telephone numbers or shift patterns.
- Blocking e-mails/intercepting telephone calls
- Escorting staff when leaving the premises

6.8. Perpetrators of domestic abuse

Staff may also be perpetrators of domestic abuse. Domestic abuse is a serious issue which may lead to criminal proceedings. In these circumstances, management reserves the right to conduct its own internal inquiry and, if appropriate, to take disciplinary action in line with the Disciplinary Policy.

Managers must notify the HR Department when an incident occurs that may warrant investigation and disciplinary action and ensure that the matter is progressed through the stages of this procedure in a consistent and timely manner.

If the victim and the perpetrator are both members of staff, the HR Department should be contacted so that appropriate action can be considered. Action will depend on individual circumstances but could include:-

- Temporary adjustments to duties/location of one or both members of staff
- Potential action under the disciplinary policy
- Advice from and or involvement of the police

In addition, adult and child protection policies should be considered if a manager becomes aware that a member of staff is potentially or actually perpetrating domestic abuse and may seek advice from the Safeguarding Team.

Domestic abuse is always the responsibility of the perpetrator however. Managers should aim to support staff undertaking action to address their behaviour associated with perpetrating domestic abuse, taking account always of the Trust responsibility to protect children and vulnerable adults.

The national organisation, Respect, provides a helpline for perpetrators who want to stop abusive behaviour (see Appendix A for contact details).

7. Training requirements associated with this Protocol

7.1 Mandatory Training

There is no mandatory training associated with this protocol.

7.1 Specific Training not covered by Mandatory Training

Not applicable to this document

8. How this Protocol will be monitored for compliance and effectiveness

Aspect of compliance or effectiveness being monitored	Method of monitoring	Individual responsible for the monitoring	Monitoring frequency	Group or committee who receive the findings or report	Group or committee or individual responsible for completing any actions
Duties	To be addressed by the monitoring activities below.				
All cases are placed on the HR Database. The HR Database must be routinely maintained and monitored	Continual review of the HR Database	Senior HR Business Partner	Ongoing until each case is closed	Director of HR and the Deputy Director of HR	Senior HR Management Team
Where a lack of compliance is found, the identified group, committee or individual will identify required actions, allocate responsible leads, target completion dates and ensure an assurance report is represented showing how any gaps have been addressed.					

9. For further information

Please contact Human Resources

10. Equality considerations

The Trust has a duty under the Equality Act and the Public Sector Equality Duty to assess the impact of protocol changes for different groups within the community. In particular, the Trust is required to assess the impact (both positive and negative) for a number of 'protected characteristics' including:-

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sexual orientation
- Pregnancy and maternity and
- Other excluded groups and/or those with multiple and social deprivation (for example carers, transient communities, ex-offenders, asylum seekers, sex-workers and homeless people)

The author has considered the impact on these groups of the adoption of this protocol.

10.1. Equality Analysis Report

Equality Analysis Report									
Name of function:		Managing and Supporting Employees Experiencing Domestic Abuse Protocol							
Date:		January 2017							
Assessing officers:									
Description of policy including the aims and objectives of proposed: (service review/redesign, strategy, procedure, project, programme, budget, or work being undertaken):									
<p>This protocol ensures robust and legally compliant procedures are in place to ensure patients, staff, workers and volunteers are safeguarded at all times. The protocol also clearly defines the responsibilities of all members of staff and also applies to bank or agency or workers and the staff of contractors, volunteers and peer support workers.</p>									
Evidence and Impact – provide details data community, service data, workforce information and data relating specific protected groups. Include details consultation and engagement with protected groups.									
Evidence base:									
<ul style="list-style-type: none"> ▪ NHFT WRES 2016 ▪ Northampton County Council :Northamptonshire Results: 2011 Census Data Summary 									
	Corby	Daventry	East Northants	Kettering	Northampton	South Northants	Wellingborough	Northants	England
2001	53,400	72,100	76,600	82,200	194,200	79,400	72,500	630,400	49,449,700
2011	61,100	77,700	86,800	93,500	212,100	85,200	75,400	691,900	53,012,500
% rise	14.4%	7.8%	13.3%	13.7%	9.2%	7.3%	4.0%	9.8%	7.2%
<ul style="list-style-type: none"> ▪ Ethnicity: 85.7% (White) and 14.3% (BME) - 1.75% (dual heritage); 4.01% (Asian); 2.5%(Black including British, African and Caribbean) ; 0.85 % (Chinese) ; 6.05 % (white other EEA, polish, Gypsy & Traveller) ▪ Gender: 49.6% males; 50.4% females (including 1% transgender) ▪ Disabled people: 19% (including 3.5 % < aged under 18) ▪ Faith communities: 71% Christian; 29% minority faith: (includes Hindu, Muslim, Sikh, atheists, non- belief) ▪ Sexual orientation (gay, lesbian or bisexual): 5 - 7% (Stonewall estimate) 									
Service Information: provide any relevant service data or information to inform the Equality Analysis including service user feedback, external consultation and engagements or research.									

Equality Analysis Report	
Name of function:	Managing and Supporting Employees Experiencing Domestic Abuse Protocol
Date:	26 January 2017
Protected Groups (Equality Act 2010)	<p>STAGE 3: Consider the effect of our actions on people in terms of their protected status?</p> <p>The law requires us to take active steps to consider the need to:</p> <ul style="list-style-type: none"> ▪ Eliminate unlawful discrimination, harassment and victimisation. ▪ Advance equality of opportunity ▪ Foster good relations with people with and with protected characteristic <p>Identify the specific adverse impacts that may occur due to this policy, project or strategy on different groups of people. Provide an explanation for your given response.</p>
Age	In compliance with the Equality Act 2010 this policy will be applied equally to all members of staff and will not allow a person's age to be used to their detriment to ensure that no member of staff will be treated less fairly based on their age.
Disability	Managers must not use any disabilities or associated long term sickness to the detriment of the employee or allow a disability to impact on the fair and equal application of the policy.
Gender (male, female and transsexual, inclu. Pregnancy and maternity)	<p>The Trust is committed to eliminating discrimination on the grounds of sex, gender and is committed to ensuring employers' practices will not disadvantage women in the workplace during their pregnancy and maternity.</p> <p>In compliance with the Equality Act 2010 this policy will be applied equally to all members of staff and will not allow a person's gender to impact on the fair and equal application of the policy.</p>
Gender reassignment	<p>The Trust will ensure that staff are not discriminated against due to their gender reassignment.</p> <p>All issues relating to gender reassignment will be considered throughout the application of this procedure and no discrimination or stereotyping will be allowed to impact on the fair and equal treatment of all staff.</p>
Sexual Orientation (incl. Marriage & civil partnerships)	No specific adverse impacts related to sexual orientation have been Identified in the implementation of this policy

Equality Analysis Report			
Name of function:		Managing and Supporting Employees Experiencing Domestic Abuse Protocol	
Date:		26 January 2017	
Race		No specific adverse impacts related to race have been identified in the implementation of this policy	
Religion or Belief (including non belief)		No specific adverse impacts related to religion or belief have been identified in the implementation of this policy.	
Equality Analysis outcome: Having considered the potential or actual effect of your project, procedure etc., what changes will take place?			
No change.			
Action Plan			
Issue to be addressed	Action	Who	Date to be completed
Ratification – a completed copy of the Equality Analysis form must be sent to Equality and Inclusion Officer to be approved.			
Approving Officers			
Date of completion:			

11. Reference Guide

Definition: <https://www.gov.uk/guidance/domestic-violence-and-abuse>

12. Document control details

Author:	
Approved by and date:	Trust Policy Board – 17 June 2017
Responsible committee:	Trust Staff Partnership Forum – 24 May 2017
Any other linked Policies:	(HR001) Disciplinary Policy (HRp001) Flexible Working (Incorporating Job Sharing and Retainer Scheme) (HRp005) Special Leave for Domestic Personal Family Matters (CLP047) Policy for Safeguarding Children (CLP055) Policy for Safeguarding Vulnerable Adults
Protocol number:	HRP036
Version control:	Version 1

Version No.	Date Ratified/ Amended	Date of Implementation	Next Review Date	Reason for Change (e.g. full rewrite, amendment to reflect new legislation, updated flowchart, minor amendments, etc.)
1	17/06/2017	18/06/2017	17/06/2020	New Protocol.

13. Appendix A – National and Local Domestic Abuse Contacts

National Domestic Violence Helpline

24-hour helpline for victims of domestic abuse

0808 2000 247

Northamptonshire County Council

Provides support to children and families, and adults.

Customer Service Centre: 0300 126 1000 (Mon-Fri 8am-6pm) or 01604 626938 (out of hours)

Email: cypsnccinitialcontact@northamptonshire.gcsx.gov.uk (for concerns about children)

Email: adultcare@northamptonshire.gov.uk

Northamptonshire Sunflower Centre

Offers support and advice to high risk male and female victims of domestic abuse

www.northamptonshiresunflowercentre.org

01604 888211

Northamptonshire Police Domestic Abuse Unit

Daily 8:00 – 22:00 Tel: **101 ext 341027 or emergency 999**

email: dau@northants.pnn.police.uk

Northampton Women's Aid

Offers a crisis refuge accommodation throughout the county.

www.northamptonwomensaid.org.uk

0845 123 2311

Wellingborough and East Northamptonshire Women's Aid

Offers a 24hour emergency refuge and office hour support.

www.wenwomensaid.co.uk

01933 22493

Eve

Provides refuge and programme to enable survivors to rebuild their lives.

www.nvcfr.org.uk

01604 230311

Serenity Sexual Assault Referral Centre (SARC)

Provides free medical and emotional support to male and female victims of rape or sexual assault

www.serenitynorthants.co.uk

016054 601713 (24hrs)

Northamptonshire Rape and Incest Crisis Centre (NRICC)

Offers confidential advice, counselling and support for males and females victims of rape, incest and sexual abuse

www.nricc.com

01604 250721

HRP036 (rev June 2020)

This document is uncontrolled once printed. Please refer to the Trust intranet for the current version.

Relate Northamptonshire

Offers intervention for male perpetrators of domestic abuse with potential to enter couple counselling as well as providing support for victims and families.

www.relatenorthants.org.uk

01604 634400

Victim Support

Offers emotional and practical support and information to male and female victims of crime
www.victimsupport.org.uk

0300 303 1947

S2S – Substance to Solutions

CRI Northamptonshire Substance Misuse Service

Provides advice, information and medical treatment for people worried about alcohol or drugs and offer support to their families and friends.

www.cri.org.uk

01604 211304

Dostiyo

Offers advice for Asian women on a range of issues including benefits, debts, housing, domestic violence, disability, immigration, and drug and alcohol misuse; includes advocacy, befriending and counselling services.

www.dostiyo.org.uk

01604 745340

LSCBN

Safeguarding and promoting the welfare of children and young people

www.lscbnorthamptonshire.org.uk

01604 654040 or 01604 364036

Northamptonshire Mental Health Gateway

DA guidance document - www.asknormen.co.uk
