

# Domestic violence resource manual for employers

Second edition



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Funded by the Nationwide Foundation

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**Refuge** opened the world's first refuge for women and children experiencing domestic violence in Chiswick, London, in 1971. Since then, it has grown to become the country's largest single provider of specialist accommodation and services to women and children escaping domestic violence, supporting over 1,000 women and children every day.

### **What services does Refuge provide?**

- Freephone 24-hour National Domestic Violence Helpline – 0808 2000 247 – run in partnership between Refuge and Women's Aid (the Helpline provides telephone support and refers women to refuges and community projects nationwide)
- Safe, emergency accommodation through a growing number of refuges, some of which have been set up for African Caribbean and South Asian women
- Specialist psychological services for abused women and children
- A community outreach service offering support both to women who are still living with the perpetrator and women who have left: some services are set up for South Asian, Vietnamese and Eastern European women
- A resettlement service: offering continued emotional and practical support during and after living in a refuge
- Independent domestic violence advocates: providing a single point of contact and support for women and children who are at high risk of harm and who are in the process of going through the criminal justice system with a case against their abuser
- Prevention and education services: campaigning and lobbying for better service provision. Refuge runs award-winning media and advertising campaigns to raise public awareness of domestic violence, whilst also campaigning and lobbying government
- International consultation: advising Bangladesh, Malawi, St Lucia, Spain and the United Nations on national domestic violence strategies. Consulting with Canadian and Guernsey governments
- Refuge is also an active member of multi agency partnerships, working with and supporting police, the judiciary, education and healthcare professionals; as well as government and key domestic violence bodies: helping to inform policy and giving the women and children who experience domestic violence a voice

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

an award-winning website with a wealth of information on domestic violence



**Respect** is the UK association for professionals working with people to end their abusive behaviour. Respect is the leading national voice on working with men on domestic violence issues. The organisation's key aim is to increase the safety of those experiencing domestic violence through promoting effective interventions with perpetrators.

#### **Other services provided by Respect:**

- The Respect Phonenumber – A Helpline offering information and advice to people who are using abusive behaviour towards their partners and want help to stop
- The Men's Advice Line - Helpline for male victims of domestic violence offering support, information and practical advice to men experiencing domestic violence
- Dads Space 121 – A virtual child contact centre which provides secure online options for separated children and parents
- Young People's Services Project – A national tool kit for working with young people who are using violence and abusive behaviour in relationships and hosting a biannual network for practitioners working with young people on violence and abuse
- Training and professional development for professionals working with men on domestic violence and abuse

For further information on Respect – [www.respect.uk.net](http://www.respect.uk.net) or e-mail [info@respect.uk.net](mailto:info@respect.uk.net)

#### **The Nationwide Foundation**

The Nationwide Foundation is a registered charity, set up and funded by the Nationwide Building Society. The Foundation makes grants to other charities across the UK, including Northern Ireland, within criteria defined by the Board of Trustees, who run the Foundation assisted by the staff team. To date, the Foundation has received over £27 million which has been distributed to charities across the UK, benefiting thousands.

The Foundation aims to achieve maximum impact with its funds and therefore defines the criteria based on research into societal needs and gaps in provision supported by other funders including government. In line with this, the criteria are reviewed every few years. The Foundation has a history of offering support to those most in need in the UK.

Respect and Refuge were funded under the grant-making strategy, "Supporting Families". This work sought to strengthen families, reduce crime and violence, and make our communities safer, better places to be.

The Foundation is unique in that it encourages and funds the charities which it supports to work in partnership with one another to share experience and learning. It also identifies ways of reducing duplication, which saves valuable charitable resources and helps to achieve greater outcomes for beneficiaries.

*The production of this manual is an example of partnership work between Respect and Refuge*

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#### References

Refuge and Respect would like to thank everyone who has contributed to this manual and the accompanying DVD of resources for employers who wish to develop and implement a work place domestic violence policy.

Particular thanks go to: the HR team at Lancashire County Council who have piloted the manual and fed back on the resources; Paula Fitzgerald for her HR expertise; and Catriona Grant for ensuring the manual is relevant to employers in Scotland.

Thank you to all those involved in filming the ‘testimonies’ about why a domestic violence policy in the work place is important: Sky Neal; Fiona Bowman and Mike Burton from the Corporate Alliance Against Domestic Violence; Frazer Simpson from City of Edinburgh Council; Elaine Wishart from UNISON; Frank Mullane from Advocacy After Fatal Domestic Abuse and Wendy Turner Webster who is a survivor of domestic violence.

We would also like to thank staff from our own organisations who fed back on early drafts: Jane Keeper and Ruth Aitken at Refuge; Thangham Debonnaire and Monica Tuohy at Respect; as well as Davina James Hanman at Against Violence and Abuse.

Last, but by no means least, Refuge and Respect would like to thank the Nationwide Foundation for funding this project and supporting work to end domestic violence.



### **Sandra Horley OBE, Chief Executive, Refuge**

It is a sad truth that more than one in four women will experience domestic violence at some point in their lives. The human and financial cost of domestic violence affects the whole of society and we all have a responsibility to challenge domestic violence. In 2009 domestic violence was estimated to cost this country nearly £16 billion. The cost to industry alone was over £1.9 billion. There is a prevailing notion that what goes on behind closed doors is not up for discussion and that domestic violence is a private matter. But it isn't a private matter, it's everyone's responsibility. If an employee had a row with a colleague and punched him, he'd probably be sacked; and if he lashed out at a stranger on a train, he'd be arrested.

So, why should somebody who hits their partner go unchallenged? It's up to each and every one of us to recognise our responsibility, as individuals and as employers, in bringing domestic violence to an end. This is why Refuge has worked with Respect to create this manual and help HR managers to implement the best policies and practices to support any members of staff for whom work may be the only source of support.



### **Jo Todd, Director, Respect**

Many of us spend a significant proportion of our lives at work and the relationships we make there are important to our social and emotional well-being. Often some of the people who know us best are our colleagues and work mates and they frequently know when something is wrong. Yet all too often colleagues and employers have concerns about colleagues which they fail to act on. Furthermore, the stigma, victim blaming and fear that make reporting domestic violence difficult do not disappear when someone is at work. Yet the workplace could be a place where employees are able to access safety. This is why Respect and Refuge have worked together to produce a resource which will enable employers to play their role in addressing domestic violence. This resource manual provides clear

guidelines on how to develop a HR policy and related procedures as well as how to implement them.



### **Fiona Bowman, Executive Director, UK Corporate Alliance Against Domestic Violence**

I have a very personal reason for understanding the significance of the role of an employer in the life of a victim of domestic violence due to the fact that for a period of 10 years, I was in an abusive, violent relationship. Had it not been for the assistance and intervention of my employer, I know that I would probably not be alive today. Since my arrival in London 23 years ago, alone with a suitcase and a job to go to on the Monday, I have completely transformed my life. I graduated as an MBA in 2000, remarried, have written a book about my experiences, and have become an Executive Director of the UK Corporate Alliance Against Domestic Violence. As a victim of domestic

violence, a survivor and now a campaigner, the importance of the role of employers in the life of a victim has been proved beyond reasonable doubt in my experience. Having a domestic violence policy that includes guidance on supporting victims and challenging perpetrators makes good business sense. Hopefully this manual will reinforce this message to all employers.

The British Crime Survey estimates that more than one in four women and around one in six men will experience one or more incidents of domestic violence at some point in their lives.<sup>1</sup> With so many people affected by domestic violence, there is a strong chance that both victims and perpetrators of domestic violence may be working within your organisation.

In order to provide appropriate support around what is often a complex issue, Human Resource (HR) teams, line managers and employees need to have a clear understanding of what domestic violence is. This manual provides detailed information about domestic violence and its impact on the workplace. It also provides information on: how to recognise signs of domestic violence in colleagues; guidance on how to better support staff (victims and perpetrators alike); and details of where to go for expert support. Included in this manual is an example of a model domestic violence policy for employers.

### Did you know?

- Domestic violence costs the UK around £1.9 billion a year through lost economic output (due to injuries sustained)<sup>2</sup>
- If one of your team is experiencing domestic violence this could affect your business through:
  - Absenteeism
  - Stress
  - Employee turnover
  - Sick days
  - Decreased productivity

Research in the US shows that:

- 75% of domestic violence victims are targeted at work – ranging from harassing telephone calls to physical assaults<sup>3</sup>
- 78% of male perpetrators of domestic violence use workplace resources to threaten and check up on their partners<sup>4</sup>
- 44% of convicted male perpetrators sent to a domestic violence programme have told someone about the abuse they have perpetrated<sup>5</sup>

### **VICTIM: Clare Bernal (22), beauty assistant, Harvey Nichols, London**

#### **The case**

- Clare Bernal was shot whilst at work in Harvey Nichols, London, on the 13th September 2005 by Michael Pech, a former security guard at Harvey Nichols
- Clare had been dating Pech for approximately three weeks. After they split up he became very controlling and stalked and harassed her
- Clare reported the harassment to the police on the 30th March 2005 after Pech threatened to kill her
- On the 6th April 2005 Pech was arrested at the store and bailed on the conditions that he did not contact Clare; did not enter the store; and did not enter Dulwich SE22
- On the 10th April 2005 Pech broke the bail conditions. He was arrested and remanded in custody until the 19th April when he was bailed again
- Pech was expected to report to probation on 31st August for pre-sentence reports and a trial date was set for the 21st September. However Pech left the country and went to Slovakia where he undertook training in how to use a firearm. He then purchased a firearm which he brought back to the UK
- Pech returned to Harvey Nichols on the 13th September 2005. He shot Clare and then shot himself

#### **What was Harvey Nichols' response?**

- Clare's friend and work colleague reported Pech's harassing behaviour to their employer, Harvey Nichols
- Harvey Nichols immediately spoke to Clare about Pech and examined CCTV footage of his behaviour. After seeing that Pech was watching Clare whilst she worked, Harvey Nichols moved Pech to a different floor of the store and the security team spoke to Clare about her safety on a daily basis. They advised her to report his behaviour to the police
- Harvey Nichols launched an internal investigation into Pech's conduct and made the evidence they collected available to the police
- On the 6th April 2005, Harvey Nichols suspended Pech pending a disciplinary hearing and banned him from entering the store
- A disciplinary hearing was set for the 11th April 2005 but Pech failed to attend
- Pech was permanently dismissed by Harvey Nichols on the 28th April 2005

**PERPETRATOR: Colin Read (25), management consultant, L.E.K. Consulting, London**

**The case**

- Elizabeth Axe, aged 25, met Colin Read in 2003 while a student at Cambridge University
- Read was also 25 and a management consultant for L.E.K. Consulting
- They were married in 2006. After they were married, Read started to resent Elizabeth for being a student and expected her to cook and clean for him, calling her “wifey”, and giving her £500 a month to take care of the household
- During their marriage Read physically and mentally abused Elizabeth. On one occasion he slashed her foot while she was asleep in bed because she had not made his sandwiches for lunch the next day. He then beat her when she tried to talk to him about it. In another incident he branded her with an iron because she had not ironed his shirt
- Read was sentenced for three counts of actual bodily harm on 20 August 2007
- The judge gave Read a £2,000 fine for his crimes. A report recommended a community service order, but the judge questioned how Read would fit it in around his long working hours

**Comments made by members of the public on message boards**

*(Note: comments made by the public prior to L.E.K. Consulting taking any action)*

*Every single client of L.E.K. Consultants should refuse to deal with this monster; he should be serving time right now. L.E.K. should do the right thing and dismiss him.*

Neil, Notting Hill

*As for his consultancy firm, if they don't sack him their clients should cancel their contracts.*

Ian, London

*L.E.K. Consulting should think long and hard about how clients may feel about having this vile person working on their account. I would never engage them for any work having read this - not while he works for them.*

Ab, London

*We can only hope that the bad publicity L.E.K. Consulting gets from this will force the company to dismiss Read from his very important job. Would anyone want to do business with a company that employs such people?*

Remi, London

*Well let's hope L.E.K. Consulting has good PR after this incident!*

Jo, London

### What was L.E.K. Consulting's response?

- As soon as Read was arrested and charged, L.E.K. acted in accordance with its policies and suspended him on full pay, thereby protecting Read and his colleagues from any potential risk in the workplace
- The incidents, at that time alleged, took place outside the workplace and L.E.K. made no judgment as to whether Read was guilty or not guilty until the outcome of the case was given
- After the trial, in which Read was found guilty, L.E.K. commenced its disciplinary procedures, which resulted in Read being dismissed

### Questions to consider

- How would your business react if there was a domestic violence incident related to one of your employees – whether as a victim or perpetrator?
- What would happen if the incident took place at work?
- What would your media/PR response be?

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## **PART ONE**

### **understanding domestic violence**

Domestic violence is a serious social problem. It damages the lives of victims, perpetrators, those close to them and the communities in which they live and work. This section of the manual will help you better understand domestic violence, dispel some of the myths and stereotypes that surround the issue and will provide statistics to show how prevalent domestic violence is.

In this section we will explore:

- What is domestic violence?
- Recognising abuse - the power and control wheel
- Myths that surround domestic violence
- Key statistics
- The impact of domestic violence

#### **What is domestic violence?**

Domestic violence is the abuse of power over one person by another. It can take many different forms, including physical, sexual, emotional, verbal and financial abuse.

Domestic violence often forms a pattern of abusive and controlling behaviour. It is rarely confined to a one-off incident and it usually escalates in frequency and severity over time – particularly if the victim tries to exercise their independence and challenges the perpetrator's control.

Domestic violence is intentional and purposeful. It can occur to people of all ages, races, religions, social classes and sexualities and to men and women. However, the risk of domestic violence is affected by social factors as described below:

#### **Gender**

Both men and women experience domestic violence. However, national studies show that the vast majority of repeat and long term domestic violence causing injury and fear is committed by men against female partners and ex-partners. For example, in prosecuting cases of domestic violence, rape and sexual assault in 2007-08, the Crown Prosecution Service (CPS) reported that 94% of defendants were men and 86% of victims were women.<sup>6</sup>

The British Crime Survey, which looks at the actual experiences of crime in a large sample of the population (not just reported crimes), shows us that:

- More than one in four women and around one in six men will experience one or more incidents of domestic violence in their adult lives<sup>7</sup>
- In the year 2001 (the last time this was calculated) there were approximately 12.9 million individual incidents of violence against women from a partner or ex-partner<sup>8</sup>
- In the same year there were approximately 2.5 million individual incidents of violence against men from a partner or ex-partner<sup>9</sup>
- Women are much more likely than men to experience serious assault, injury and fear<sup>10</sup>
- Women are the majority of victims of repeat incidents (more than 20 times in the last year)<sup>11</sup>

Some studies claim to have evidence that men and women are equally at risk of domestic violence. It is clear that many women and men experience one or more incidents of violence in their lives. Yet studies showing equal numbers of men and women as victims tend not to capture violence after separation, sexual violence, harassment and homicide. In addition, these studies do not identify when an incident was used as self-defence against a partner who had been using violence against them.

### Sexuality

There are significant gaps in our knowledge of the prevalence of violence in lesbian, gay, bisexual and transgender (LGBT) relationships and in the provision of services. One survey of homophobic and domestic violence found that 29% of those surveyed had experienced domestic violence from a partner, ex-partner or family member.<sup>12</sup> The threat to “out” remains a central weapon that LGBT perpetrators can rely on as a means of control. Added to this are problems of homophobic abuse starting in the family of origin, the historic oppression of gay people by the police and a lack of specialised resources meaning that many LGBT victims do not come forward for help.

### Age

Research has shown that the prevalence of reported domestic violence decreases with the victim’s age. The British Crime Survey confirms that young people are at high risk of experiencing domestic violence: women and men aged 20-24 are at the highest risk of becoming a victim with 16-19 year olds a close second.<sup>13</sup>

### Disability

Women with a disability experience the same forms of domestic violence as non-disabled individuals but may be more vulnerable because of different types of impairment. For example, mobility impairment can make it more difficult to get out of the way of the perpetrator at the time of an attack or leave the house to access domestic violence services. The British Crime Survey regularly finds that disabled women and men are at higher risk of domestic violence than non disabled men and women.<sup>14</sup> Added to this is the problem that many disabled people face discrimination, making it more difficult to access help.

### Race and ethnicity

The risk of domestic violence does not differ significantly by race or ethnic group. However many black and other minority ethnic victims may face particular barriers in seeking help. For instance, they may be reluctant to seek support from mainstream agencies because of real or perceived racism, language barriers, a lack of awareness about available services, worries about their immigration status, stigma and community and cultural pressures.

There are some forms of relationship or behaviour which are in themselves likely to be a form of domestic violence or the basis for it. These include forced marriage and violence committed with the excuse of so-called “honour”. These are often assumed to be present in particular minority ethnic communities, but violent men from all cultures use concepts which are similar to “honour” to justify their behaviour. For example, the UK has a history of forced marriage among the upper classes and within the royal family.

**Forced marriage** is a marriage which takes place against the wishes of either or both parties. Forced marriages are not the same as arranged marriages. In an arranged marriage the family will have strong role in arranging the match but the individuals have a free choice as to whether to proceed. In a forced marriage this choice is taken away under duress, often including severe emotional pressure and physical abuse. Forced marriage can involve both male and female victims, although again, the majority of victims are females.

**‘Honour’ based violence** is violence excused as a form 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”. In transgressing the correct form of behaviour, the individual’s actions are perceived to reflect badly on the family or community who are deemed to have failed in their role of controlling them. Honour is a notion which is not confined to one section of the population. For example, many abusive men in all racial and social groups justify some of their abuse on the grounds that they felt that their partner’s behaviour was “disrespectful”. This may include talking to another man in public or being too friendly with a male work colleague.

### **Social class**

Domestic violence is perpetrated and experienced across all social classes. However it is important to note that:

- Some women will be less able to seek independent legal advice because their income level is too high to qualify for legal aid but not high enough to be able to pay for legal advice themselves
- Some women will be dependent on benefits and social care systems to escape from abuse. Others will be more able to use their own resources
- Some women will have increased involvement with the child protection agencies, where lower income families are disproportionately represented
- Some women from middle class/professional backgrounds may be less likely to define an event as domestic violence

### Recognising abuse

Domestic violence is not just physical abuse. It is the systematic and patterned use of physical, sexual, emotional, verbal and financial abuse and can involve intimidation, isolation and threats used to exert power and control over another within a relationship.

### Power and control wheel – tactics of abuse

The power and control wheel below was developed in discussion with a large number of women survivors of domestic violence. It is based upon their experience of the range of techniques their male abusive partners used to control them.



Source: Domestic Abuse Intervention Project, Duluth, Minnesota

It is important to note that the behaviours outlined above are not only reinforced by the actual use of physical and sexual violence but the continued threat of such violence. The level of abuse used by the perpetrator is likely to escalate if the victim challenges the control he is exerting. This means that a domestic violence victim may be most at risk if they decide to leave.

### Abuse by female perpetrators

Some women are perpetrators of abuse and some men are victims. Where this is the case the evidence suggests that it does not always conform to the tactics outlined in the power and control wheel. Women who use violence in intimate relationships have themselves frequently been victims of violence and abuse. However this does not mean to say that the violence they are using should not be taken seriously. Around 5% of callers to the Respect Phonenumber are women wanting to address their violence. Some women may use violence as a response to the threat their partner poses and because of this are sometimes seen, wrongly, as a perpetrator. The possibility that a woman is acting to protect herself should always be considered.

### Different forms of abuse

- Physical abuse e.g. slapping, pushing, kicking, punching and stabbing
- Sexual abuse e.g. rape and non-consensual sex acts, sexual put downs
- Emotional or psychological abuse e.g. intimidation, isolation, verbal abuse, humiliation, degradation, not allowing friends or relatives to visit or phone, threat of legal sanctions such as deportation, or threats to take the children
- Financial abuse e.g. controlling/monitoring use of money and economic resources, destroying belongings, generating economic costs, refusing to contribute to household and child costs, interfering with a victim's ability to work/undertake education and training<sup>15</sup>

### Risk factors

Research and reviews into domestic violence homicides have identified a number of risk factors that indicate if a victim of domestic violence is at high risk of harm.

The following risk factors are taken from the CAADA domestic abuse, stalking and harassment and honour based violence (DASH) risk identification and assessment checklist<sup>16</sup> which can be found at: [www.caada.org.uk/practitioner\\_resources/090408%20RIC%20for%20partner%20agencies-%20without%20guidance%20attached.doc](http://www.caada.org.uk/practitioner_resources/090408%20RIC%20for%20partner%20agencies-%20without%20guidance%20attached.doc)

**Refer to the CAADA document for all references in the following text.**

### Previous harm

Previous domestic violence is the most effective indicator that further domestic violence will occur.

### Perception of harm

When victims are very frightened, and report being afraid of further injury or violence, are afraid of being killed or afraid of their children being harmed, they are significantly more likely to experience additional violence, threats and emotional abuse.

### Isolation

Perpetrators will often seek to isolate the victim from their normal support network of friends, family, etc. Isolated victims are more at risk of continued abuse.

### Excessive control/jealousy

Coercive control and jealous surveillance are important indicators of risk. Examples of this behaviour may include:

- Being made to account for time and whereabouts
- Interception of mail/telephone calls
- Accusations of infidelity
- Preventing victim from taking medication
- Extreme dominance
- Being prevented from leaving the house
- Extreme jealousy i.e. “if I can’t have you, no one else can”
- Use of the victim’s religion to control



## Every week, another two women escape domestic violence.

According to the Home Office, two women in England and Wales are killed by their partner or ex-partner *every week*.

At Refuge, we’ve learned in our 37 years that what starts as a slap or shove can escalate into a pattern of frequent brutal beatings, and can even lead to death.

We’ve learned that far from being about *losing control*, domestic violence is actually about men *taking control*.

And we’ve learned that emotional abuse can do a huge amount of harm.

Forewarned is forearmed, so Refuge would like to alert you to some of the early warning signs of domestic violence.

- Is the man in your life charming one minute and terrifyingly aggressive the next?
- Is he excessively jealous and possessive?
- Is he stopping you from seeing your family and friends?
- Is he constantly criticizing you and putting you down in public?
- Does he control your money?
- Does he tell you what to wear, who to see, where to go, what to think?
- Does he pressure you to have sex when you don’t want to?
- Are you starting to walk on eggshells to avoid making him angry?



For women and children.  
Against domestic violence.

Don’t ignore the early warning signs. [www.refuge.org.uk](http://www.refuge.org.uk)

Registered charity no: 277424

Photography:  
Julian Nieman

### Thoughts of suicide

If a perpetrator threatens suicide, there may be a heightened risk of homicide. Depression and suicidal symptoms may often be a pre-cursor to this. Declarations such as 'If I can't have her, then no-one can' are recurring features of domestic homicides and the killer frequently intends to kill themselves too.

### Separation

Separation alone does not end the violence. Attempts to end a relationship are strongly linked to intimate partner homicide. Research suggests that women are particularly at risk within the first two months of leaving an abusive relationship.

### Conflict over child contact

Studies show that separated women often suffer further abuse and harassment from their former partners as a result of child contact disputes which is a point of particular vulnerability for both women and their children.

### Stalking and harassment

Domestic stalkers are the most dangerous group of stalkers. A prior intimate relationship is the most powerful predictor of violence in stalking cases. Ex-partners are also the most likely to threaten and assault third parties alongside their principal victim.

### Pregnancy

Pregnancy and birth can be a time when abuse begins or intensifies. Young children, including new born babies are extremely vulnerable in situations of domestic abuse.

### Children or step-children in the family

There is a significant association between risk and the number of children in a household - the greater the number the higher the risk. The presence of step children (not the biological children of the abuser) in particular increases the risk to both the child and the woman.

### Actual harm or threats to harm children

There is compelling evidence that both domestic violence and child abuse often occur in the same family. Child abuse can therefore act as an indicator of domestic violence in the family and vice versa.

### Use of weapons

Domestic violence perpetrators who have used a weapon (any object deployed to increase injury or fear) on intimate partners or others, or have threatened to use a weapon, are more likely to be violent again.

### Threats to kill

A credible threat of violent death can very effectively control people. Evidence suggests that such threats to estranged partners by abusers should be taken seriously. Threats do precede physical attacks and have been included in risk assessment tools as good predictors of future violence.

### Attempts to kill

Strangulation or ‘choking’ is a common method of killing in domestic homicides. Any attempt at closing down the victim’s airway should be considered high risk.

### Sexual assault

The analysis of domestic sexual assaults reported to the police demonstrates that those who are sexually assaulted are subjected to more serious injury.

### Fear of family/community

This is a substantive feature of extended family violence, such as in the traveller community or “honour” based violence. Instances of behaviour that would be quite acceptable in one culture might not be in others.

Examples of this in relation to ‘honour’-based violence might include:

- Smoking in public
- Objection to being removed from education
- A relationship not being approved of by family and/or community
- Interfaith relationships
- Rejection of religion or religious instruction
- Pre-marital conflict or pre-marital or extra-marital affair
- Reporting domestic abuse
- Running away
- Sexual conduct – talking, kissing, intimacy in a public place
- Pregnancy outside of marriage
- Being a victim of rape
- Being a reluctant immigration sponsor
- Attempts to separate/divorce
- Sexual orientation (being or suspected to be gay, lesbian, bisexual or transgender)
- Inappropriate make-up or dress

### Being violent towards others

Some perpetrators do not tend to discriminate in terms of who they are abusive towards. If the perpetrator is violent both in intimate relationships and outside of these relationships then this can be an indicator that the violence is likely to continue.

### Mistreating animals/family pet

Experts increasingly recognise a correlation between cruelty to animals and domestic violence. For families suffering domestic violence or abuse, the use or threat of abuse against companion animals is often used for leverage by the abusive member of the family to keep others in line or silent.

**Note:** *Pets may be an important factor in whether the victim is willing to enter into refuge/emergency accommodation as many providers do not take animals and alternatives may need to be found to accommodate the whole family. There are some organisations operating animal fostering services which may be of use to the victim until they are in accommodation which will accept pets (see directory of services on the resource DVD which accompanies this manual)*

### **Financial issues**

There may be financial issues linked to isolation and the level of control the perpetrator has over the victim. For example, the perpetrator may restrict/withhold/deny access to joint/family finances.

**Note:** *Finances should be considered when compiling safety plans (see section two). Also refer to the financial guide for women escaping domestic violence on the resource DVD*

### **Drugs, alcohol and mental health**

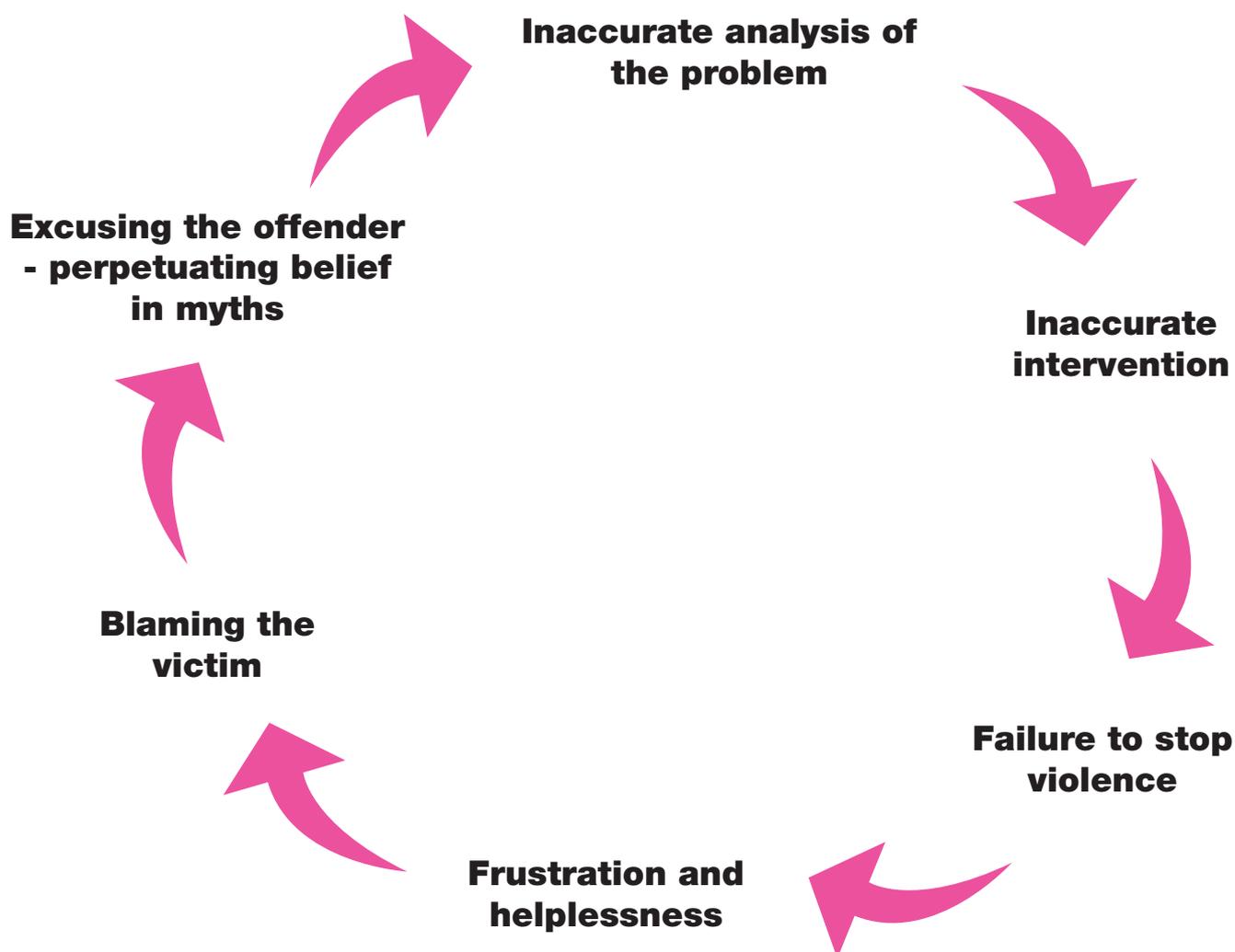
Research shows that when perpetrators have aggravating problems (alcohol, drug, and/or mental health issues), they are also more likely to injure the victim, to use weapons, and to escalate the frequency or severity of the domestic violence.

### **Breach of bail conditions/injunctions/ child contact arrangements**

Previous violations of criminal or civil orders may be associated with an increased risk of future violence. Similarly, previous violations of child contact or non-contact orders are associated with an increased risk of future violence.

**Myths that surround domestic violence**

How you understand an issue will determine how you address it. If your understanding of domestic violence is clouded by myths and inaccuracies then you will not be able to address the problem effectively:



**Myth: Alcohol and drugs cause violence**

The relationship between the use of alcohol and drugs and violence is complex but not causal. Many people are violent when stone cold sober and many problem drinkers are not violent. Perpetrators of domestic violence frequently blame their behaviour on drink or drugs – using them as an excuse, a way of denying responsibility.

**Myth: It only happens in poor families on council estates**

While poverty, lack of family support and other social factors can make some people vulnerable to domestic violence and create barriers to leaving, people from all socio-economic groups can be abused. Victims of abuse and their abusers come from all walks of life.

**Myth: They would leave if the abuse was that bad**

Most victims of domestic violence do eventually leave – although it may take many attempts before someone leaves safely. There are many reasons for staying with an abusive partner. The following are all concerns expressed by women about leaving their abuser:

- Having tried to tell someone about the abuse but not being heard
- Concerns about accessing legal assistance i.e. paying for a solicitor
- Not believing she can manage on her own because the abuser has worn down her self-esteem
- Believing the abuse is her fault and that she is worthless
- Feeling ashamed of what has happened to her
- Fear of what her partner will do to her, the children or himself if she leaves
- The belief that staying with her partner is better for the children
- Being so isolated that she has no support from friends or family
- Practical considerations to take into account - she may be financially dependent on her partner: how will she access money, where she can get safe accommodation?
- Like many women, being unaware that help is available or how to access it, particularly if English is not her first language
- Feeling that there are no appropriate services for her because of cultural and religious factors
- Concerns about leaving her pets
- Hoping that her partner will change. She remembers the good times at the start of the relationship and hopes they will return

**Myth: Abusers grow up in violent homes**

The majority of children who experience domestic violence do not become victims and perpetrators. Many children are repelled by the idea of perpetrating violence because they have seen the damage it causes. Whilst it is undoubtedly true that exposure to domestic violence is harmful to children, it is untrue to say it predicts adult behavior. Violence is a choice an abuser makes.

### **Myth: They ask for it - they deserve what they get**

Perpetrators of domestic violence often try to justify or explain their behaviour by blaming it on something that their partner has done or has not done. This is a way of justifying and making excuses for the abuser's behaviour. Any collusion with the view that the victim is in anyway to blame reinforces the abuser's attempt to avoid responsibility for their actions and reinforces their sense of entitlement.

### **Myth: Abusers have a mental illness**

The vast majority of perpetrators are not mentally ill, although a small number will be and may require medical intervention.

### **Myth: Stress causes partners to be abusive**

All of us experience stress at times in our lives but most of us do not use violence and abuse towards our partners.

### **Myth: Abusers lose their temper sometimes, that's all**

Where, in what way, and to who people display their anger is influenced by what they believe to be acceptable and what they can get away with. An abuser will often say that he lost his temper, or was out of control. Yet abusers are selective about when they demonstrate their anger, when and where they hit their partner – for instance, they may only hit their partner when the children are asleep or carefully choose not to mark her face, or any part of the body, which shows. This suggests they are very aware of what they are doing.

### **Myth: Domestic violence is a private matter, you shouldn't get involved**

For too long domestic violence has been allowed to happen behind closed doors. Sometimes people are reluctant to intervene and justify this to themselves with the thought that what goes on in the home is private, and not their problem. But acts of domestic violence can be a crime, it is often a child protection issue and the community as a whole is affected by domestic violence.

### **Key messages**

- No victim of violence is responsible for the abuse they experience
- An abuser's behaviour will only change if they recognise that they have a problem and are prepared to take responsibility for changing their violent behaviour
- Domestic violence is everyone's responsibility - we all have a role to play in ending domestic violence - don't ignore it

### Key statistics

- Around 2 women a week month are killed in England and Wales by a current or former partner<sup>17</sup>
- Around 2 men a month are killed in England and Wales by a current or former partner<sup>18</sup>
- Approximately 10 women commit suicide every week as a consequence of experiencing domestic violence<sup>19</sup>
- The police receive a domestic violence call every 60 seconds<sup>20</sup> – yet the British Crime Survey suggests that only a quarter of all victims report to the police<sup>21</sup>
- Domestic violence has a higher rate of repeat victimisation than any other violent crime<sup>22</sup>
- Domestic violence costs the UK tax payer around £16 billion every year<sup>23</sup>

### These statistics tell us that domestic violence is:

- Very common
- Life threatening
- A serious issue for the police, judiciary, health service and society
- A significant financial cost to society

### The impact of domestic violence on victims

Domestic violence can have numerous affects on the lives of victims, including:

- Physical injury
- Homelessness, poverty and unemployment
- Social and financial exclusion
- Developing harmful coping strategies such as drinking too much
- Low self-esteem
- Depression and/or anxiety
- Post-traumatic stress
- Self-harm
- Suicide

### Impact on children

Domestic violence also affects children. Research suggests that between 30-66% of men who are violent towards their female partners are also likely to be violent towards their children.

Section 120 of the Adoption and Children Act (2002) extended the definition of harm within the meaning of the Children Act (1989) to include ‘the impairment suffered due to seeing or<sup>24</sup> hearing ill treatment of another’. This means that witnessing domestic violence is legally defined as harm.



Picture:  
by a child working with Ruth Aitken, founder of specialist  
psychological services for women and children at Refuge

- It is estimated that around 750,000 children every year are affected by domestic violence<sup>25</sup>
- In households where children are present, 90% of domestic violence incidents take place while children are in the same or next room<sup>26</sup>
- Domestic violence occurs in the homes of 75% of children who are the subject of child protection plans<sup>27</sup>
- In many cases children are also directly abused<sup>28</sup>
- Domestic violence has over taken gestational diabetes and pre-eclampsia as the leading cause of foetal death<sup>29</sup>

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## **PART TWO**

### **domestic violence in the workplace**

Employers have policies in place for many different issues, for example disability, harassment, violent behaviour and substance abuse. Domestic violence should be treated with the same importance as any other issue that impacts the safety of staff, the quality of their work and the employer's reputation.

In this section we will explore:

- Why a domestic violence policy is important
- The 4 'Rs' – recognise, refer, respond, record
- Supporting victims of domestic violence
- Responding to perpetrators of domestic violence

#### **Why a domestic violence policy is important**

There are a number of reasons why developing and implementing a domestic violence policy is important, not least because employers can make a positive difference to the workplace and the lives of its employees by doing so.

#### **A coordinated community response to domestic violence**

Research and practice have proven that the best way to protect victims of abuse and hold perpetrators accountable is via a multi-agency approach which is known as a 'coordinated community response' (CCR) to domestic violence. Employers have an important role to play as part of this approach by referring victims and perpetrators of domestic violence to specialist organisations, helping them to access the range of support they need and putting in place measures to increase safety.

In 2003 the Home Office recognised the role that government could play as an employer and recommended that every local authority publish clear guidance on how to respond to employees who may be experiencing domestic violence. In addition, it set up the Corporate Alliance Against Domestic Violence (CAADV) which aims to raise awareness of and take action to reduce the social and economic impact of domestic abuse in the work place.

**Note:** *You may wish to consider joining the UK Corporate Alliance Against Domestic Violence (CAADV) to demonstrate your commitment to tackling domestic violence in the workplace:*  
[www.caadv.org.uk/caadv.html](http://www.caadv.org.uk/caadv.html)

You may also consider undertaking other actions to support the work of domestic violence organisations in your local area. For instance, you could:

- Support public awareness-raising efforts on domestic violence
- Support the White Ribbon campaign ([www.wrc.org.uk](http://www.wrc.org.uk))
- Fund raise for domestic violence services/research activities on domestic violence
- Encourage volunteering in services supporting victims/perpetrators of domestic violence, both in the provision of services and as board members;

### Health and safety is a legal requirement

Domestic violence is a health and safety issue:

- Employers have a duty under the Health and Safety at Work Act (1974) to ensure, as far as is reasonably practicable, the health, safety and welfare of employees at work
- The Management of Health and Safety at Work Regulations (1992) requires employers to assess the risk of violence to employees and make arrangements for their health and safety

It is important to remember that victims of domestic violence may be at increased risk of harm in their workplace if they leave an abusive partner, as it may be the only place where they can be located. As such, employers who are aware of domestic violence and fail to protect their employees from violence at work may be held liable under Health and Safety legislation.

### Statutory organisations may also wish to refer to:

- European Convention on Human Rights (1950) – Article 2 (the right to life)
- United Nations Convention on the Rights of the Child (1989) - to protect children and young people
- Children's Act (1989 and 2004)
- Article 3 of the Human Rights Act (1998) – the right to live free of fear, threats and abuse
- Disability Discrimination Act (1995) - requires employers to make reasonable adjustments for employees who may need time off for counselling
- Crime and Disorder Act (1998) - requires local authorities to do all they reasonably can to prevent crime and disorder in their area
- Local Government Act (2000) – requires local authorities to care for the well-being of its citizens
- The Gender Equality Duty (2007) – requires public authorities to proactively consider gender in the design of policies and practices to ensure that they do not contribute to gender inequality. However, even for non public bodies it is good practice to integrate gender into equality policies, since gender inequality is both a cause and consequence of domestic violence

### Impact of domestic violence on the employee

- Direct impact on an employee's ability to work due to physical abuse
- Absenteeism due to long term physical injuries such as chronic pain, vision or hearing loss and the psychological impacts of domestic violence such as anxiety, depression, post-traumatic stress and/or use of drugs/alcohol as a coping strategy
- Time off as a result of having to seek help from solicitors, doctors and support agencies: the 2008-09 British Crime Survey found that 11% of female victims of partner abuse had to take time off work in the past year; six in ten victims who had taken time off work had taken less than a week – but about two in ten had taken a month or more off due to partner abuse<sup>30</sup>
- Lateness as a result of the abuser attempting to prevent an employee from going to work: a high percentage of women experiencing domestic violence often also experience economic abuse which includes their partner actively interfering with their employment. Examples of actions by abusers include: locking her in the house so that she cannot go to work; ripping up her work clothes; inflicting visible injuries; keeping her up all night, doing things to make her miss the bus/train etc.

- Harassment/abuse at the work place: perpetrators of domestic violence may also target the victim at work. This can include numerous telephone calls, faxes and e-mails, the abuser turning up at her work and leaving unwelcome notes on the victim's car. Employees may be stalked, physically assaulted or murdered at the workplace itself or when they are travelling to and from work. In some cases, the abuser may even arrange for her to work in his workplace so that he can monitor her behaviour.<sup>31</sup> Research from the US estimates that women are five times more likely to be victimised by a partner or ex-partner at work than men<sup>32</sup>
- Risk to children: If the employee uses workplace childcare facilities, children may be in danger of abuse or abduction whilst on the premises

### Impact of domestic violence on work colleagues

Domestic violence also affects people close to the victim and this can include work colleagues. Other staff members may:

- Have to fill in for absent or unproductive workers
- Feel resentful towards victims who take time off or receive extra attention; take part in gossip/rumours about the victim
- Try to protect the victim from unwanted phone calls or visits
- Feel helpless and unsure about how to intervene
- Be distracted from their own work
- Experience a negative impact on their own mental and emotional health, especially if they may also be experiencing abuse themselves
- Fear for their own safety e.g. be followed by the abuser and subjected to questioning about how to contact the victim, or where she can be found
- Unknowingly be used by the abuser as part of the abuse, perhaps by assisting the perpetrator to locate their partner or by covering up for the abuser at work

### Impact of domestic violence on the employer

- Negative impact on productivity, performance and morale
- Employers invest time and resources into recruiting staff, yet employees experiencing domestic violence may be forced to leave work by the abuser; may have to move away in order to escape domestic violence and/or may have to give up work so that the abuser cannot locate them. Some employees may also be dismissed as a result of poor performance, absenteeism or disruptive behaviour caused by the abuser. The 2008-09 British Crime Survey found that 4% of victims had lost their job or had to give up working as a result of partner abuse<sup>33</sup>
- Research suggests that perpetrators of domestic violence may be late for work, leave early, take time off and use workplace resources (such as telephones, emails or company cars) to threaten, harass or abuse their current or former partner<sup>34</sup>

### Organisational reputation

As the case examples at the beginning of the manual shows, the behaviour of employees has an impact on the reputation of the organisation. Any organisation needs to be assured that its staff members are suitable representatives, yet research has indicated that as many as 50% of employers may be aware that an employee has been convicted of domestic violence, yet do nothing.<sup>35</sup>

### **Moral and ethical responsibility**

Violence and abuse in relationships blights the lives of many families. As employers there is an ethical and moral responsibility to ensure the welfare of all staff and to support them in having relationships free from abuse.

### **How will a domestic violence policy help in your work place?**

A domestic violence incident could occur at any time. By being prepared an organisation can:

- Help save lives
- Keep employees safe – and also help keep vulnerable children safe
- Increase productivity and morale
- Improve its reputation – showing that it addresses issues that matter to staff and the wider community

### **The 4 'R's - recognise, respond, refer and record**

The aim of any intervention around domestic violence is to increase the safety of those at risk of harm.

Organisations should follow the "4Rs"

1. Recognise the problem (look for signs and ask)
2. Respond appropriately
3. Refer on to appropriate help
4. Record the details

**RECOGNISE – RESPOND – REFER - RECORD**

### Supporting victims of domestic violence

About one in ten of your employees will experience domestic violence. This experience will affect their productivity and attendance and there may be negative impacts on the safety of other employees.<sup>36</sup>

#### 1. Recognise

There are a number of ways that you can recognise an employee who might be a victim of domestic violence.

#### Look for signs that an employee may be experiencing domestic violence

Employees who experience domestic violence may not necessarily tell people at work about their situation or approach their manager about their problems in the first instance. It is more likely that the manager will become aware of the situation through associated issues such as absence monitoring or poor work performance. Any changes in staff members' productivity may be caused by domestic violence and this should be taken into account when managing these issues.

As with other welfare issues, identifying that an employee is experiencing difficulties at an early stage will lead to appropriate help being offered. This in turn could mean that the employee is able to deal with their situation far more effectively.

**Note:** *There may be signs that an employee is experiencing domestic violence, although remember that the following are not exhaustive checklists and may be indicative of other concerns.*

#### Work productivity signs

- Persistently late without explanation; needing to leave work early
- Partner exerts unusual amount of control/demands over work schedule – employee may be dropped off and picked up from work and is unable to attend business trips or functions
- High absenteeism rate without explanation
- Needing regular time off for “appointments”
- Changes in quality of work performance for unexplained reasons: may suddenly start missing deadlines and show additional performance problems despite a previously strong record
- Receipt of repeated upsetting calls/faxes/e-mails
- Reluctance to turn off mobile phone at work
- Increased hours being worked for no apparent reason i.e. very early arrival at work and/or working late

### Psychological signs

- Changes in behaviour: may become quiet, avoid interaction, making acquaintances or friends at work; may always eat alone; may not talk to others unless someone speaks to her first
- Uncharacteristic depression, anxiety, distraction, problems with concentration
- Obsession with time
- May cry at work or be very anxious
- May exhibit fearful behaviour such as startled reactions
- Fear of partner/references to anger
- Expresses fears about leaving children home alone with the abuser
- Secretive regarding home life

### Physical signs

- Repeated injuries such as bruises that are explained away; explanations for injuries that do not fit the injuries displayed
- Frequent and/or sudden/unexpected medical problems/sickness absences
- Sleeping/eating disorders
- Substance use/dependence
- Depression/suicide attempts
- Fatigue
- Change in the way the employee dresses i.e. excessive clothing in summer; unkempt or dishevelled appearance
- Change in the pattern or amount of make-up worn

### Other signs

- Avoiding lunch breaks or socialising at the end of the working day; isolating themselves at work
- Isolation from friends and family
- Flowers/gifts sent to employee by partner for no apparent reason
- Insufficient resources
- Individual being a victim of vandalism or threats

### Ask if an employee is experiencing domestic violence

Research has shown that victims of domestic violence wish somebody had asked them about it.<sup>37</sup> You may choose to build questions about domestic violence into appraisals where appropriate or when a member of staff is going on maternity leave (research demonstrates that domestic violence can start or escalate during pregnancy).<sup>38</sup>

### When raising the issue of domestic violence

- Ask in a private location
- Use indirect/non-threatening questions - examples could be: “How are you feeling?” or “How are things at home?”
- If there is obvious bruising/injuries then ask direct questions: “I saw the bruises – I am worried how you got them. Would you like to talk about it?” or “I’m worried about you because...” or “I’m concerned about your safety...”

### Male victims of domestic violence

Some men are victims of their female or male partner's violence and allegations should always be taken seriously. Individual men can experience severe levels of physical and emotional abuse. We need to encourage men experiencing domestic violence to reach out for help and find ways to support them that meet their needs. The Men's Advice Line is the national helpline for men experiencing abuse in relationships and they will also offer support and information for professionals. For more information on the Men's Advice Line, including posters and leaflets, see the resources on the DVD.

**Note:** *It should be noted that some men who present as victims are also likely to be perpetrators of domestic violence. Care should therefore be taken to establish a picture of what is happening because sometimes it is not clear who is the victim and who is the perpetrator (see next section).*

### Disclosure to colleagues

Research shows that victims of domestic violence are more likely to disclose domestic violence to work colleagues who may have become aware of the abuse through repeated telephone calls, the perpetrator coming to the workplace etc.<sup>39</sup> You should put in place clear procedures so that all employees know what to do following disclosure/suspicions of abuse.

### Non-disclosure

You should be aware that an employee may choose not to disclose information about domestic violence during a first discussion. If this is the case then tell the employee that if they would like to discuss any matters that might be affecting them in the future a nominated contact is available to provide support.

### Reasons why an employee might not immediately disclose abuse

- Do not recognise/want to recognise their experiences as abusive
- Fear that disclosure might make things worse by putting them or their children at increased risk
- Fear of being judged and seen as weak
- Feel embarrassed, humiliated and ashamed
- Fear that disclosure will have a negative impact on how they are treated as an employee
- Fear of bringing shame or dishonour on their family
- Fear that they might lose the children
- Belief that the abuse is their fault
- Perpetrator also works for the organisation
- Has concerns about confidentiality

## 2. Respond

If an employee does disclose that they are experiencing domestic violence, there are a number of things you should consider when responding:

### Believe

It can be extremely difficult to disclose domestic violence. Their experience must be believed - do not ask for proof.

### Responding to disclosure

- Listen to the employee and take their disclosure seriously
- Do not be judgmental and make comments i.e. about the perpetrator's behaviour or the victim's response
- Reassure the employee that the organisation has an understanding of how domestic violence may be affecting their work performance and what can be done about this
- Reassure the employee of confidentiality but highlight scenarios where confidentiality may have to be broken and information shared with external agencies (see section on confidentiality)
- Do not give advice to the employee – for example do not pressurise them into leaving
- Provide information about specialist domestic violence organisations that can offer expert support
- Offer practical support within the organisation as far as possible
- Offer to work with domestic violence specialists to develop an appropriate workplace safety plan (see below)
- Respect and accept the employee's thoughts and ideas
- Provide ongoing support to ensure the employee's safety and wellbeing is monitored
- Help build up the employee's self confidence

### Confidentiality

Employees experiencing domestic violence may feel concerned about disclosing abuse to a line manager. You should reassure individuals that discussions will be held in confidence, although there are some scenarios in which confidentiality may have to be broken. Some of the reasons to consider are listed below. However, if you are considering breaching confidence we advise you to discuss this with a domestic violence expert first.

### Safeguarding children

Children and young people exposed to domestic violence may also experience abuse from the perpetrator. As such, domestic violence is a child protection issue. In cases where a person has reason to believe a child is at risk of "significant harm" they must act to protect that child and this may mean that confidentiality has to be broken and information about that risk shared with local child protection professionals.

The organisation should explain to employees that if child protection concerns arise, it has a duty to share information without their permission to a third party such as the police or social services. However, it is best practice to work with the parent when doing so, seeking their support where possible. The only caveat to this would be if the organisation thought that the employee would abscond or hurt herself or the children if she was told of plans to involve social services or the police.

Local authorities and other statutory bodies developing a domestic violence policy may already have a child protection/safeguarding policy which should be followed.

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## Part two: domestic violence in the workplace

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It is advisable for the organisation to make comprehensive notes of the conversation that has been had with the employee which could then be added into a “Confidentiality Breach” form. This will ensure the organisation has detailed notes of why such action was taken, which may need to be referred to in future discussions.

Organisations should also ensure that they are adhering to the Data Protection Act 1998 and other organisational policies on information sharing.

### Protection of vulnerable adults

“Vulnerable adults” in the household may also be at risk of abuse. The definition of “vulnerable adults” is defined as someone who is over 18 years of age who ‘is or may be in need of community care services by reasons of mental health or other disability age or illness’ and ‘is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation’

### Disclosure of unlawful activity/serious offence

If you believe there is reasonable cause to suspect a person has committed a serious offence then you should report this to the police.

### Perceived risk to colleagues

If there is a perceived safety risk to work colleagues as a consequence of domestic violence (for instance, if they are affected by on the job harassment by the abusive partner) you may consider it necessary to inform other employees so that they can take appropriate precautions. If this is the case then you should agree with the employee the best way to approach this - for example, by providing minimum information to ensure the safety of all and/or prevent any tensions about the employee’s attendance or work performance. If you take this course of action you must ensure that the information shared is only shared on a need-to-know basis.

### Appropriate response

You should ensure that line managers adopt a sensitive and non-judgemental approach when dealing with employees who have experienced domestic violence.

### Let the employee know:

- They are believed
- They have the right to feel the way they do – and they have the right to talk about it
- They are not to blame for the violence and are not responsible for the abuser’s behaviour
- They have the right to report what is happening and the police have a duty to respond (but do not pressure them to take any action that they are not comfortable with)
- They are not alone and do not have to deal with what is happening alone - there is help available, not just from the workplace but also from specialist organisations with years of expertise in supporting women affected by domestic violence

### Risk assessment

If domestic violence is disclosed, you should consider undertaking a work place risk assessment to ensure that the potential risk to the employee and work colleagues is minimised. If you have reason to consider that the employee's (ex)-partner presents a risk to other employees then you can also consider taking legal action to protect the workplace.

Encourage the employee to contact a specialist domestic violence service who can assess risk by using a risk assessment tool such as the DASH. Some organisations (for example, local authorities) may have a staff member who is a specialist in domestic violence and has training in the use of the DASH. If this is the case then they can undertake such an assessment. The professional will ask the employee questions related to the risk factors and will then work with the victim and the employer to manage that risk.

In cases where an employee is considered to be a high or very high risk victim then it is likely that they will be referred to a Multi Agency Risk Assessment Conference (MARAC). MARACs are monthly multi-agency meetings that aim to increase the protection of high risk victims of domestic violence through a broad range of supportive interventions.

### Safety planning

You may consider working with specialist organisations and the employee to write and implement a work place safety plan.

Safety measures might include:

### Workplace

- Remind all staff never to divulge personal information about employees to callers (such as addresses, telephone numbers, or shift patterns)
- Review security of information held by Human Resources or elsewhere such as temporary or new addresses, bank details, telephone numbers, work locations etc.
- Review the employee's next of kin information – the ex-partner may still be listed
- Remove the victim's name and number from automated phone directories; change the victim's telephone number
- Ensure access to buildings is open to authorised staff only
- Ensure car parks have adequate lighting
- Set up security cameras in public entrances and in the area where the employee works
- Have a security guard patrol the work area
- Conduct environmental surveillance, for example, keeping intruders easily observable, keeping areas such as car parks visible
- Place silent alarms or buzzers at the employee's workstation
- Change keys or key pad numbers/codes for gaining entry to work premises
- Alert reception, security staff, staff in workplace nurseries; with consent, provide a copy of any existing non-molestation/occupation orders, a photo of the abuser, details of the abuser's vehicle (car registration and description)

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## Part two: domestic violence in the workplace

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- Obtain a restraining order to keep the perpetrator off company property if their actions could impinge on the health and safety of staff
- Set up procedures for alerting security staff and police and being clear about what to do if the perpetrator gains access to the workplace

### Employee

- Enable the employee to change work patterns e.g. working hours
- Relocate the employee's workstation
- Move the employee out of public view – i.e. from an outwardly facing role, ensuring that they are not visible from reception points or ground floor windows
- Ensure that the employee does not work alone or in an isolated area
- Consider what to do if the employee works from home
- Explore the possibility of relocation or redeployment where this would be appropriate and supportive of the employee; provide assignments in alternative locations if necessary
- Establish a method of communication with the line manager if the employee is absent so that they are aware that the individual is safe
- Ensure daily communication is maintained with the employee during any absence
- Identify a work contact for support and an emergency contact should the organisation be unable to contact the employee
- Change the employee's telephone number and/or divert telephone calls from the perpetrator (but monitor as they will help provide evidence of harassment if needed)
- Set up firewalls to block e-mails/divert e-mails to a separate folder (these can also be used to demonstrate harassment)
- Record any threatening or violent incidents by the perpetrator in the workplace including visits, abusive/persistent phone calls, e-mails and other forms of harassment which can be used by the police or if the employee wants to seek a court order
- Allow the employee to use an assumed name at work
- Give victims priority parking close to the building
- Escort victims to and from their cars or public transportation
- Help victims vary their route to and from work
- Help the employee find a safe way of getting to and from work
- Minimise risks if work requires visits outside the office – changing duties/allowing another member of staff to accompany them/ensuring they have a mobile phone with them
- Issue the employee with a mobile phone that is pre-programmed with emergency response numbers

### Colleagues

- With the employee's consent, advise work colleagues on a need-to-know basis and agree what the response should be if the abuser contacts them on the phone or comes to the workplace
- With the employee's consent, share the abuser's photo with co-workers so they can recognise the abuser and report any sightings
- Remind colleagues about the importance of confidentiality

### Internal and external sources of support

Be aware that organisations can provide employees experiencing domestic violence with valuable support. The workplace may be the only place where an abuser is unable to closely monitor their partner (unless the abuser is employed by the same workplace or has colleagues watching) making it a good place for the victim to access information and advice. Compile a directory of local and national support services and make these available to staff on the intranet (see resource DVD for national directory of domestic violence services and suggestions of local contacts to develop). **A referral to any form of “couples” or “joint family” work is inappropriate and unsafe when domestic violence is a risk.** As well as facilitating external support, internal support can also be considered.

### Internal support:

- Explore leave options for the employee (but remain in contact with her during this period), starting with paid leave i.e. time off to sort out practical and legal issues such as counselling, visits to police/solicitor/court/GP/support agency/housing/childcare; short term paid leave; extended unpaid compassionate/dependency leave – with guarantee of same position upon return; special leave with pay i.e. employee may be entitled to special leave if they are attending court as witness – it would follow therefore that this provision applies if there are court proceedings following incidents of domestic violence
- Offer victims flexible schedules and work hours e.g. agree that the employee can start work a bit later if they have to move/children have to go to new school
- If requested, give victims overtime work; do not require them to do overtime without sufficient notice
- Adjust performance targets and/or allow the employee to change their workload
- Develop and market Employee Assistance Programmes: train EAP staff members to improve their counselling proficiency in the area of domestic violence
- Link employees into Occupational Health Services
- Arrange for wages to be paid in cash, into a different bank account, in advance; make a loan/emergency funds available; signpost to credit union/other financial advice; assist employees in crisis through the distribution of cash grants

When you are considering what support you can provide to employees experiencing domestic violence, it is useful to review what existing HR policies are already in place:

### Examples include:

- Capability procedure
- Child protection policy
- Compassionate/dependency leave policy
- Confidentiality and information sharing
- Dealing with unsatisfactory performance
- Dignity at work
- Equal opportunities
- Flexible working policy
- Grievance procedure

- Health and safety policy
- Leave of absence policy
- Lone working policy
- Management of sickness absence
- Maternity and caring employees scheme
- Occupational health policy
- Performance monitoring policy
- Security policy
- Sickness absence policy
- Special leave policy – including provision for being summoned as a witness
- Time off in leave policy
- Vulnerable adults policy
- Work-life balance
- Violence at work policy

If an employee has taken time off work because of domestic violence you should plan their return to work with them.

### **If an employee turns down support**

Some employees experiencing domestic abuse may refuse support or only take up partial support. This can not only be frustrating but also distressing and worrying for managers and colleagues. It can be particularly difficult if the employee has started to accept support and then appears to have changed their mind perhaps by going back to their partner or by minimising the abuse they are experiencing.

For many women experiencing domestic violence, leaving does not always appear to be the best choice for them and their children. They can experience immense pressure from their (ex-) partner, family and children to stay together or to re-unite if they separate. Often financial pressures can have an impact - the realisation that if she leaves she will not have access to resources such as accessible and affordable child care, good quality housing, etc. As a result, abused women may have to balance possible harm to themselves and any children they might have as a consequence of leaving against the harm they may experience by staying.

It should also be noted that the most dangerous time is when a woman is attempting to leave and at the point of separation. As such, reluctance to leave a violent partner or the decision to return should not be taken as an indication that the abuse is not severe. Be clear that the employee knows they can expect the same standard of assistance if they seek support again in the future.

### **Good practice if an employee changes her plans or refuses support**

- It is their choice – they have the right to refuse or reject support and assistance – the organisation cannot share what they have disclosed with anyone unless there are grounds to break confidentiality (see section on confidentiality)
- Do not become angry with the employee or show “disapproval” but be clear that the organisation is concerned about the employee’s safety

- Be clear that the employee can still approach anyone in the organisation for support and assistance if they change their mind – give the employee information about who they can contact, now and in the future
- Remind the employee that they can contact the trade union, staff representative or Employee Assistance Programme
- Be clear that other organisational policies are still in place and that these policies must still be worked to consistently e.g. absence monitoring, competency framework, code of conduct etc.

### 3. Refer

Domestic violence has complex impacts on the victim. It is important to remember that an organisational approach to domestic violence should be a managerial commitment through which managers help suggest solutions within the sphere of their control and expertise.

It is vital that employees disclosing domestic violence are made aware of external sources of support. Take some time to investigate what external resources are available in your locality as well as nationally (see the national directory of services in the resource DVD which accompanies this manual) and develop good links and relationships with the people who run them.

### 4. Record

It is good practice for an organisation to keep detailed records if an employee discloses domestic violence. Any discussions about domestic violence and any actions agreed should be documented to provide as full a picture as possible.

In accordance with the Data Protection Act (1998) records should be kept strictly confidential. It should be made clear that recording domestic violence will have no adverse impact on the victim's employment record. You should record all absences in accordance with normal procedures but if they relate to domestic violence then they can be placed in a sealed envelope within the employee's file marked 'for manager and employee's access only'.

Where Health and Safety applies, you have a duty to maintain a safe place of work. This necessitates monitoring and recording all incidents of violence or threatening behaviour in the workplace. These may include persistent telephone calls, e-mails, visits to the workplace by the perpetrator etc.

This information can be used if the employee wants to press charges or apply for an injunction. The organisation could assist the employee to apply for an injunction if the actions of an alleged perpetrator affect the health and safety of the employee.

Good records may also be used in criminal proceedings or if the employee wants to apply for a court order. As such it is important that records are clear and accurate and should give dates, times and locations. Witnesses to such incidents should also be recorded.

### Responding to perpetrators of domestic violence

The majority of perpetrators will have little or no contact with the police, the courts or receive a referral to a perpetrators programme. It is far more likely that they will reveal information about their violence and abuse to people they know. A US research study with convicted perpetrators sent to a domestic violence programme found that 44 per cent had told someone at work about the abuse they perpetrated.<sup>40</sup> You are likely to be in a position to respond to perpetrators of domestic violence in some way, even if it is just directing them to services such as the Respect Phonenumber (see the service directory on the DVD).

Responding to perpetrators and showing your workforce that you will do so sends an important message, both to them and to the public who use or buy your goods or services. It is also an important and positive message to impart to victims as it lets them know that others will also take action about domestic violence.

Engaging with perpetrators of abuse in a positive, respectful way does not mean excusing the abuse and can help to increase safety and save lives

All employers have a duty of care towards their employees. This includes perpetrators of domestic violence who, through their actions, are damaging their own lives as well as the lives of others.

In responding to perpetrators, organisations can do a great deal to promote the safety of victims and children. The aims outlined below are taken from the Respect Accreditation Standard and were developed for specialist domestic violence services. However, every heading has implications for employers.

#### Safety

- To increase the safety of women, children and others at risk of experiencing domestic violence
- Employers will want to promote and be seen to promote the safety of victims, colleagues and others; some businesses will be actively targeting customers who choose companies with an ethical approach
- By doing simple things like publicising the Respect Phonenumber or putting up posters about this service, employers can do a great deal to support the safety of victims

#### Assess and manage risk

- To assess risk in relation to domestic violence and communicate this effectively with other professionals
- Employers will often have information which can help the police and others to assess and manage the risk from dangerous people

#### Co-ordinated community response

- To contribute to the development of a co-ordinated community responses to domestic violence
- Employers are part of the local community and may want to promote their active involvement in the community by publicising information about services to help perpetrators to end their abusive behaviour

### Diversity and equal access to services

- To provide services that respect the diversity of the community in which they work, to apply anti-discriminatory practice to all aspects of their work and to ensure that clients are supported to access its services on an equitable basis
- Employers who have recognised that employing a diverse workforce is good for business will want to learn specific ways of responding to domestic violence such as demonstrating that part of their anti-discriminatory practice is responding actively to gender based violence

### Promote respectful relationships

- To provide interventions which challenge, support and encourage perpetrators of domestic violence to engage in respectful relationships
- To promote the principle that everyone has the right to be treated with respect and dignity
- Employers are in a good position to take simple steps to do this; indeed some may need to demonstrate that they are doing this
- Employers will benefit from the positive public relations image which results from promoting a strategy against domestic violence

### Accountability

- To work with other professionals to ensure that men who use domestic violence are treated as responsible and accountable for their behaviour and for changing it
- Some employers will have a statutory or policy responsibility for ensuring this and supporting an employee who is a perpetrator of abuse, this can involve requesting that they attend a domestic violence programme

### Social change

- To promote the wider social changes that would support a community-wide intolerance of violence against women
- To work in a way which recognises the nature, prevalence, incidence, dynamics and effects of domestic violence
- Some employers will want to promote an active corporate social responsibility approach

## 1. Recognise

There may be signs that an employee is perpetrating domestic violence and may be indicative of other concerns. Although remember that this is not an exhaustive checklist:

- Uncharacteristic late/absent behaviour with no explanation
- Repeated injuries/scratches/bite marks/bruised knuckles/injuries to wrists and forearms
- Uncharacteristic moods and depression
- An obsession with time and an avoidance of socialising
- Constant text messaging or telephoning a partner
- Sexual jealousy or possessiveness
- Recent mental ill-health relating to violence
- Increase in substance use/dependence

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## Part two: domestic violence in the workplace

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- Negative comments made by the abuser about their partner or women in general
- The employee who is angry, depressed and blaming of their partner about child contact arrangements

Perpetrators of domestic violence may also use work place resources such as the telephone, fax, e-mail, computer, postal mail, information databases and the company car to threaten, harass, stalk or abuse their current or former partner. As such, other work colleagues may become aware of the abuse and you should provide clear procedures for them to share their concerns. Also be aware that abusers may involve other colleagues (who may or may not be aware of their motives) in assisting them.

### Indirect disclosure

Indirect disclosure of perpetrating domestic violence may come to light as a result of:

- A direct allegation to the employer from the victim
- An allegation from a third party e.g. an employee suspects or has witnessed another employee abusing their partner
- Notification by the police or through a CRB check
- The employee needing to take time off to attend court

### Direct disclosure

Some men may identify their abusive behaviour directly and ask for help to deal with their violence. This is likely to have been prompted by a crisis such as a particularly serious assault, an arrest or an ultimatum from the abused partner.

### Ask if an employee may be perpetrating domestic violence

There will be opportunities to ask employees sensitively about their relationships and ask if they are being abusive – for example if you notice a decline in performance and concentration or unexpected absences.

### Non-disclosure

- Do not back the perpetrator into a corner or expect an early full and honest disclosure about the extent of the abuse
- Be aware of the barriers to the perpetrator to acknowledging his abuse and seeking help (such as shame, fear of child protection process, self-justifying anger)

### Minimisation and denial

Some men – even when they have sought help voluntarily – are unlikely to disclose the seriousness or extent of their abuse, and may try to “explain” or blame it on other people or external factors. Even those who are concerned enough about the abuse to seek help may present with other problems such as alcohol, stress or depression, and may not refer directly to the abuse as the problem.

Be alert to the possibility of domestic violence if you hear the following:

- I've got a problem with drink
- I need an anger management course
- I'm not handling stress at work
- My partner says I need help
- My partner and I are fighting a lot
- My partner and I need counselling
- My partner is not coping and is taking it out on me
- The kids are out of control and she's not firm enough
- I'm depressed/anxious/stressed/not sleeping/not coping/not myself
- I feel suicidal (or have threatened or attempted suicide)
- I'm worried about my rage at work, in the car, in the street, at the football

## 2. Respond

It is important to ask men about their abusive behaviour in order to understand risk and to make referrals to specialist services. **A referral to any form of “couples” or “joint family” work is inappropriate and unsafe when domestic violence is a risk.**

Domestic violence is a serious issue and all staff members involved have a role in providing responses which hold perpetrators responsible. How the organisation responds to a perpetrator and any disclosures could affect the extent to which they accept responsibility for their behaviour and, therefore, the need to change.

If a male perpetrator presents with a problem such as drinking, stress or depression, for example, but does not refer to his abusive behaviour, these are useful questions to ask:

- “How is this drinking/stress at work/depression affecting how you are with your family?”
- “Do you find yourself getting angry with your partner?”
- “When you feel like that, how do you behave?”
- “Do you find yourself shouting/smashing things?”
- “Have these arguments ever become physical?”
- “Have you ever pushed or hit your partner?”
- “You must be worried about the effect this is having on you, your relationship with your partner and your children?”
- “It sounds like you want to make some changes for your benefit and for your partner/children. What choices do you have? What can you do about it? What help would you like to assist you to make these changes?”

If they have stated that domestic violence is an issue, these are useful questions to ask:

- “It sounds like your behaviour can be frightening; does your partner say she is frightened of you?”
- “How are the children affected?”
- “Have the police ever been called to the house because of your behaviour?”

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## Part two: domestic violence in the workplace

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- “Are you aware of any patterns – is the abuse getting worse or more frequent?”
- “Do you feel jealous and question your partner about where they go or who they see?”
- “How do you think alcohol or drugs affect your behaviour?”
- “What worries you most about your behaviour?”

The information that the organisation gathers will be the basis for its decision about how best to engage with the employee and what kind of specialist help is required - either for the employee directly or to manage the risk to other employees.

### Good practice in working with perpetrators of domestic violence

All people engaging with perpetrators should adopt the following good practice response. These are not an intervention in themselves but principles to observe which are both safe and constructive.

- Be clear that abuse is always unacceptable and that it may constitute criminal behavior
- Be clear that abusive behaviour is a choice
- Be respectful but do not collude
- Be positive, it is possible for perpetrators to change if they recognise that they have a problem and take steps to change their behaviour
- Be clear that you might have to speak to other agencies if there are grounds to breach confidentiality (see information on confidentiality)
- Be aware that on some level the perpetrator may be unhappy about their behaviour
- Be aware and tell the perpetrator that children are always negatively affected by living with domestic abuse, whether or not they witness it directly
- Be aware, and convey to the perpetrator, that domestic abuse is about a range of controlling behaviours, not just physical violence (see part 1)
- Be aware of the likely costs to the perpetrator of continued abuse (arrest/loss of relationship/impact on children) and assist him to see these

### Providing advice, information and support to change

The most simple and straightforward way of providing information is to publicise the Respect Phoneline, by putting up posters or making leaflets available. This service helps perpetrators to consider the effects of their behaviour and to take the first steps to ending their abuse by putting them in touch with local community based perpetrator programmes. Leaflets and posters are available from the Respect Phoneline, including materials in different languages (see the resource DVD that accompanies the manual for more detail).

### Taking disciplinary action

You should be aware that acts of domestic violence can be a criminal offence and lead to caution, arrest, prosecution and criminal conviction. As such you should consider what impact legal action would have on the workplace especially when it results in restrictive bail conditions, the employee being remanded in custody or if they are given a custodial sentence.

The fact that an employee has been charged with a criminal offence is not in itself sufficient grounds for disciplinary action, including dismissal, unless this is specifically covered by the code of conduct. If a member of staff is perpetrating domestic violence, you should consider whether there is a connection between the abusive behaviour and their role at work.

### **The nature of the conduct and the nature of the employee's work**

Where appropriate you may need to take action to minimise the potential for perpetrators to use their position or work resources to find out details about the whereabouts of their partner. This may include a change of duties or withdrawing access to certain computer programmes.

If a perpetrator of abuse is using work resources such as the telephone, fax, e-mail or company car to harass their partner, this could be construed as misuse of the organisation's property and contrary to the organisation's code of conduct.

### **The extent to which the employee's role involves contact with/poses a risk to other employees and the general public**

You may believe that there is a conflict between the offence and the job the employee is employed to do. In some cases the fact that an employee is a perpetrator of domestic violence may make certain duties inappropriate and justify redeployment/disciplinary action. For example, it would be inappropriate for a perpetrator of domestic violence to be providing advice to vulnerable women and children and/or the public. You may want to consider if there are particular posts that fall within this category and make these post holders aware that there may be particular consequences if they are found to be perpetrators of violence.

For instance, for organisations like Refuge and Respect an allegation of domestic violence against one of its employees would obviously need to be investigated since if the allegation were proven it would prevent the employee from doing their job and could significantly damage credibility and reputation. In fact organisations providing services to victims and perpetrators of domestic violence could consider including perpetrating domestic violence as a specific example of gross misconduct in disciplinary policies, in the same way as some police forces do.

### **Breaking professional codes of conduct**

There may be circumstances in which an employee may be suspended or struck off by their professional body for being a perpetrator of domestic violence. Examples could include: a social worker being struck off as a result of their child being put on the child protection register because of domestic violence; or a doctor being struck off if they are successfully prosecuted for assaulting their partner.

### **The status of the employee**

You will need to consider whether the actions of the staff member have brought the organisation into disrepute. Such behaviour, whether convicted or not, may be against the aims and values of the organisation. Some employees represent the public face of an organisation and there may be considerable reputational damage to the organisation if an employee is a perpetrator of domestic violence. There are many high profile examples of this (as illustrated in the introduction to this manual).

Consider what the impact of the employee's behaviour is on other employees. Such behaviour may be regarded as gross misconduct.

In order to address the points above, start by assessing if the employee's behaviour has had an impact on the employment relationship. In order to do this you will need to gather information in order to form an opinion and will need to investigate as appropriate.

### **Example of an investigation and points to consider:**

The line manager of the member of staff will decide after consulting with their HR contact whether the employee has breached the code of conduct. If HR advises that in this instance the code of conduct may have been breached, then an investigation may take place.

Note that an investigation cannot take place whilst a court outcome is pending, however action can be taken that is seen as appropriate e.g. suspension, change of duties, a move to a different work place.

Consideration will be given to the resources available, what support the staff member may need and who will provide this, and the skills and ability of staff. However when deemed appropriate an Investigation Officer will need to be appointed.

Depending on the nature and seriousness of the allegation, the Investigating Officer will need to ascertain whether there is court involvement. It may be appropriate to contact the police to find out what charges are being considered. If there are charges being considered be aware of any bail conditions that may be pertinent to the work place e.g. not to approach the victim (she may work in the same organisation etc.).

If there are charges, the Investigating Officer will consider how the criminal investigation impacts on the employee's role and responsibilities at work. This may include suspension, however a change in duties or move to another workplace could be considered in the first instance. If the employee is subject to professional registration their professional body will be informed.

If there are no charges or criminal justice involvement it is important to follow the disciplinary policy to the letter. Breaches in procedures and agreed employment practices can lead to grievances by staff.

Care will be taken at all times with regards to the disclosure of information to the alleged perpetrator. The safety of those at risk from further abuse must be the priority and, for this reason, consideration of what support and information can be provided to the victim will be considered at an early stage, along with risk management and contact with specialist agencies.

Subject to any restrictions on the information that can be shared, the Investigating Officer will, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, dismissal, referral to support services).

### **Procedures for dealing with an allegation that is not in the criminal justice system**

It will not be the case that every allegation of domestic abuse will automatically lead to an investigation. If it is agreed that the code of conduct may have been breached then an investigation will go ahead.

There may be times when it is not clear that the code of conduct has been breached; if this is the case then follow your current procedures. Record why no investigation was taken up and any action taken i.e. advice, information and support given to the employee.

### When the code of conduct may have been breached

The Investigating Officer will treat the matter seriously and keep an open mind.

#### S/he will not:

- Ask leading questions
- Make assumptions or offer alternative explanations
- Promise confidentiality, but give assurances that information will only be shared on a “need-to-know” basis

#### S/he will:

- Make a written record of the information (where possible in the person’s own words) or ask the person if they would prefer to provide their own written account
- Include information such as the time, date and place of the incident(s), persons present and what was said/done
- Sign and date the written record and request that the person making the complaint reads and countersigns it

Depending on the seriousness of the allegation and structure of the organisation, the Investigating Officer will discuss the matter with a senior manager and together they will decide if suspension, a change of role or a work place move pending an investigation is appropriate.

The organisation must have regard to the safety of others and undertake an assessment of the risk and the steps that will be taken to reduce this. All risk assessments will be recorded in the normal way according to the organisation’s procedures.

In addition, the organisation will consider whether the employee will continue to undertake direct work with clients/customers.

### Suspension

Suspension is a neutral act and it can be considered in cases where:

- The allegation warrants investigation by the police
- If the allegation is proven it is so serious that it might be grounds for dismissal
- The alleged perpetrator poses a threat to staff
- It is considered that it would not be in the employee’s best interest to be at work during the investigation
- If the accused is suspended, the employer will consider what support they might offer to the accused
- If a suspended person is to return to work, the employer will also consider what help and support might be appropriate

However it is sometimes more prudent to change the role of the employee or change their workplace; if this will not affect the investigation these actions can be considered. Thought should be given to the implications for the alleged victim if the employee is suspended.

### Gathering information as part of the investigation

The Investigating Officer will first consider whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded.

In cases where there has been a direct allegation from the partner, the Investigating Officer will, where possible, meet the victim to establish what it is they hope to achieve as a result of reporting the allegation. If appropriate, a written statement will be requested. However, it will be made clear to the victim that the content of the statement will be released to the alleged perpetrator. This will be made clear from the onset of the contact with the alleged victim, and their informed consent needs to be checked throughout the process. If the alleged victim withdraws their consent to share their information this may not be the end of the investigation as there may be other corroborating evidence.

If the allegation comes directly from a partner or ex-partner, the Investigating Officer will provide her with details of independent agencies or organisations able to offer confidential support. The investigating offer should not offer any advice or support this must be provided by an independent agency. The investigating officer must remain neutral.

If the allegation comes from a third party e.g. an employee suspects or has witnessed another employee abusing their partner, the Investigating Officer will request a statement from the third party and contact any other witnesses, requesting that they provide any information that may be pertinent to the investigation. Any evidence that is gathered will, where possible, be in written form and signed and dated by the witness.

The Investigating Officer will convene an initial meeting with the employee within the timescales laid down in the organisation's disciplinary procedures.

Before the meeting takes place, the alleged perpetrator will be provided with full written details about the allegation. These details should be provided as quickly as possible and in cases where the allegation has come from the victim it is important that her consent is given. It is important to regularly re-visit consent with the victim - remember her safety is paramount. If she has withdrawn her consent it is important that the information she provided is not disclosed either with intention or by accident.

The employee will also be informed about their right to be accompanied to the Investigatory Meeting by someone as long as they have no connection to the victim and/or will not pose a risk to them.

### Investigatory Meeting

The organisation's disciplinary procedures will be followed as normal. It is important that the alleged victim's informed consent is given.

### Outcomes of the Investigatory Meeting

There are two possible outcomes:

1. The Investigating Officer and the senior manager or member of the executive decides that there is not enough evidence for the matter to be referred to a Disciplinary Hearing. In this case, the

accused will be informed that the matter is no longer being investigated by the organisation and that disciplinary action will not be taken. If the accused has been suspended from work, the Investigating Officer will contact them to discuss arrangements for their return to work

2. The Investigating Officer and the senior manager or member of the executive decides that the matter will be referred to a Disciplinary Hearing

The organisation will follow the agreed policies of the organisation.

The employee has the right to confidentiality and the alleged victim will need to be told this from the beginning of the investigation and that she does not have the right to know the outcome of the investigation except whether the allegations were upheld in whole or in part or not at all.

### **Resignations and compromise agreements**

All allegations will be followed up regardless of whether or not the accused resigns or refuses to cooperate with the process. “Compromise agreements” will not be used when there has been an allegation of domestic violence.

Where suspension/termination of employment is being considered, you should first speak to specialist domestic violence services to see if support mechanisms can be put in place to secure the safety of the vulnerable partner, as the risk of reprisals and further harassment may increase if such action is taken.

### **Perpetrator and victim in same workplace**

In some cases, both the abuser and victim may also be a member of your workforce and in these circumstances both the victim and others in the workplace may be at risk. Harassment and intimidation of a partner who is also an employee of the organisation should therefore be viewed very seriously.

If employees are partners and work in close proximity to one another and allegations of domestic violence arise or are founded by law, you should consider the health and safety implications of all the employees within the work area.

This may involve:

- Awareness of the potential need to use any bullying and harassment policy if incidents have occurred at work
- Considering disciplinary action: suitability for continued employment generally or within a specific post may need to be considered; employers may also need to consider criminal action
- Minimising the potential for perpetrators to use their position or work resources to find out details or the whereabouts of their partners; this may include a change of duties or withdrawing access to certain computer programmes
- Suspension or redeployment of the alleged perpetrator pending a disciplinary investigation

When you are considering how to respond to employees perpetrating domestic violence, it is useful to review what HR policies are already in place:

- Bullying and harassment policy
- Confidential reporting
- CRB policy
- Disciplinary procedure
- Employee code of conduct
- Management of allegation procedures
- Safe recruitment policy
- Whistle blowing policy

### 3. Refer

Refer the employee to external sources of support in the local area. The Respect Phonenumber has an up to date list of services working with perpetrators of domestic violence and can tell you what is available. If an employee accesses a Respect accredited service you should maintain contact with the service so that you can remain informed of the employee's attendance and any concerns that the service might have.

Some parts of the UK have good access to such services whilst others do not. You will want to consider this when you are developing your policy. The Respect Phonenumber will be able to provide you with details of the local services where these exist. At the very least you should provide employees with details about the Respect Phonenumber.

### 4. Record

It is important to keep detailed records if an employee discloses abusive behaviour or if someone alleges an employee is a perpetrator of domestic violence. This is significant information which will enable continuity of care. Good records may also help in any future legal proceedings which the victim or the police may take.

#### **Remember:**

- Follow the organisation's policy on record keeping
- You have a duty to give a fair and accurate reference; referees have to be able to support any negative information that is disclosed so allegations cannot be mentioned unless proven although you are permitted to disclose details of disciplinary action with supporting documentation and you may also recommend that future employers request an enhanced CRB check

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## **PART THREE**

### **How to develop a domestic violence work place policy**

There are a number of actions to undertake if you would like to develop/update a work place policy:

- Meet with the senior management team and agree that there is a need to address/review your response to domestic violence in the workplace
- Establish a working group to “own” the initiative – including HR, security and employee assistance programme representatives
- Approach trade unions and staff organisations asking for their involvement and support in the development of the policy
- Consult with your local multi-agency partnership addressing domestic violence. Many areas will have a local strategic partnership (or multi-agency forum) on domestic violence (or violence against women) and their specialist knowledge and links to local service providers will be invaluable

#### **Working with trade unions**

A good joint working arrangement and agreements with the trade union/staff representative or welfare agencies that support staff will ensure better outcomes with regards to domestic violence. It is important that there is good partnership working with these agencies and clear lines of communication in order that consistent messages are given to both victims and perpetrators. Discuss having shared protocols and agree key messages the organisation would expect to give to employees who disclose either current or historic domestic violence.

- Ensure that the right support is in place before launching the policy - by announcing a policy you are letting employees know that it is safe to disclose experiencing or perpetrating abuse. Yet, as this resource manual demonstrates, domestic violence is a complex issue and people’s views are often clouded by myths (see section one)
- Organisations seeking to introduce a domestic violence policy should ensure that all staff members understand the policy and that line managers undertake domestic violence training on the implementation of the policy. At least one person in any organisation (in HR for example) should receive in-depth domestic violence training to enable them to act as a key point of contact for any line manager as well as external agencies. Consider that the domestic violence policy is likely to tie in with other work place policies so an organisation may want to ensure that existing leads are made responsible
- Depending on the organisation’s agreements with staff associations/trade unions, it may be appropriate for key individuals to be trained alongside management and HR with regards to domestic violence so they can offer support to members and signpost to the domestic violence policy
- Discuss your approach to domestic violence with your Employee Assistance Programme/ counsellor if you have one. This will also ensure that any messages given to staff are consistent
- Be aware that there may be instances where an employee seeking support may have language or disability needs; ensure a full equality impact assessment is undertaken

### Training

All employees should undertake basic training on the organisation's policy which should cover:

- Why the organisation is committed to addressing domestic violence
- Why domestic violence is a workplace issue
- How to identify if an employee is experiencing abuse or using abusive behaviour
- How to report concerns and what to expect from the employer
- What internal and external support is available

### Managers need to know (in addition to the above):

- Why domestic violence is a management concern
- How to raise the issue of domestic violence
- What support and sanctions they have available to them
- Who to go to in the organisation for support
- Confidentiality issues
- The risks to other employees

### Some key staff will need in-depth training – for example, HR, security personnel, occupational health so that they can:

- Respond appropriately to victims and perpetrators including understanding risk
- Provide initial support
- Discuss options for support and referral to other agencies
- Develop and maintain organisational links with external agencies

Refuge and Respect offer bespoke training on domestic violence for HR professionals – contact us for more details at [info@refuge.org.uk](mailto:info@refuge.org.uk) or [info@respect.uk.net](mailto:info@respect.uk.net)

### What should be included in a workplace domestic violence policy?

We suggest that a “model” domestic violence policy would incorporate all of the elements listed below. However, when you develop your own policy you should take care to commit only to what your organisation can do so that you do not make promises that you cannot keep. This could lead you to be liable if you fail to undertake them. As such, we recommend that the development of a domestic violence policy should be undertaken with legal advice.

#### 1) A domestic violence policy statement

Start with a clear policy statement on why the organisation has a domestic violence policy.

#### This may include:

- Ensuring a safe workplace – recognition of how domestic violence may impact the work environment
- Safeguarding the health and well being of employees: everyone has the right to live free from fear and abuse
- Recognition that responsibility for domestic violence lies with the perpetrator: challenging and holding to account perpetrators for their behaviour in the workplace

- Creating a 'zero tolerance' work environment in relation to abuse (including jokes about domestic violence)
- Recognising the benefits of tackling domestic violence to the employer: retaining valued employees, improving morale and performance
- Enhancing the reputation of the employer

### 2) Definition of domestic violence

Provide a clear definition of what the organisation considers to be domestic violence. Many organisations adopt the Government's definition of domestic violence.

You may choose to stress:

- That domestic violence is rarely confined to a single incident but is usually a pattern of power and control
- The gendered nature of abuse – the majority of victims are women but men can sometimes be affected, as well as women and men in same sex relationships
- That domestic violence can be supported by the wider community and include forced marriage, so called "honour" based violence

### 3) Scope of the policy

Be clear who the domestic violence policy covers.

- Does it cover all employees in all departments/sites/regions/countries?
- Does it cover support agency and contract staff?
- Does it apply to victims and perpetrators of domestic violence?
- Does it cover both women and men as victims and perpetrators of domestic violence? Will the guidelines be applied equally to any employee who requires help and advice?
- Does it cover past survivors of domestic violence as well as current victims?
- Does it consider the possible support needs of members of staff who may have lost a relative/close friend as a consequence of domestic homicide?

### 4) Legal obligations

State the legal obligations related to tackling the issue of domestic violence outlined in section two.

### 5) Links to other work place policies

Review all your current policies and procedures to see if there are links with the proposed domestic violence policy. Related policies and procedures can be cross-referenced with the domestic violence policy and vice versa. They should complement and not restrict the domestic violence policy. See examples of related policies in section two.

### 6) Confidentiality

You should make a statement relating to confidentiality. Be clear that, as far as possible, confidentiality will be respected, but that there will be circumstances where confidentiality cannot be respected. State what these circumstances are (see section two).

State that when you have to breach confidentiality you will seek specialist advice before doing so. If you proceed in breaching confidentiality after having taken advice, you will discuss with the employee why you are doing so and that you will seek their agreement where possible. Also state that information will be shared on a need-to-know basis i.e. HR, payroll staff, security, immediate colleagues.

Remind staff that improper disclosure of information i.e. breaches of confidentiality will be taken seriously and may be subject to disciplinary action.

### 7) Right to privacy

Include a commitment to respect an employee's right to privacy if they do not want to inform you that they are experiencing domestic violence.

### 8) Anti-discrimination

State that the organisation will not discriminate against anyone who has experienced domestic violence both in terms of current employment or future development.

State that when there is a negative impact on performance, reasonable efforts will be made to consider all aspects of employee's situation – for example, make a commitment not to take disciplinary action against an employee for poor time-keeping, sickness absence and performance issues as a result of domestic violence.

### 9) Awareness raising and early intervention

Provide a statement on how the organisation will create an environment in which it is alert to abuse and employees feel supported to use confidential mechanisms to disclose abuse:

- Employees experiencing violence to seek help and information
- Perpetrators of domestic violence to seek help and information

See later in section three for details of awareness raising initiatives.

### 10) Point of contact

Ensure that staff know who the first point of contact is if they need to discuss issues around domestic violence. Responsibility for offering support to employees will range from ensuring all line managers have a basic understanding of domestic violence to identifying specific individuals within an organisation who have specific training in domestic violence.

These named members of staff could be a:

- Member of the HR team
- Occupational health
- Trade union representative
- Company counsellor
- Domestic violence champion(s) at least one member of staff with additional training in domestic violence

Ensure that line managers know who to approach for guidance if they have been approached by an employee about domestic violence.

Make clear the role of identified individuals e.g. to be available and approachable; listen, reassure and support; respond in a sensitive and non-judgemental manner; discuss the responsibility of the organisation and how it can support them; and ensuring the employee knows what options are available to them.

### 11) Training

State a commitment to training and education on domestic violence so that staff can:

- Identify if an employee is experiencing difficulties
- Signpost/offer referrals to other organisations
- Discuss how the organisation can contribute to safety planning
- Provide initial support - be clear about what workplace support is available
- Understand the limitations of their role

Emphasise that issues relating to domestic violence will be included in training sessions (see earlier in section three)

### 12) Role of colleagues

Make it clear that all employees should respond if they suspect a colleague is experiencing or perpetrating abuse. Any employee should be able to speak to their line manager or the designated point of contact about their concerns. Ensure all members of staff have access to information about sources of help as a minimum.

### 13) Support available

State the organisation's commitment to offering support to employees experiencing or perpetrating domestic violence. Give details about what internal and external support is available to victims/perpetrators (see section two on support to victims and perpetrators). State that you will provide information and contact details of support services.

### 14) Safety planning

Give a commitment to prioritising the safety of employees if they make it known that they are experiencing domestic violence. State what steps the organisation could take to increase the personal safety of employees who disclose domestic violence (this may include undertaking a work based risk assessment, encouraging employees to contact a specialist organisation for a risk assessment, developing a personal safety plan for the victim and any associated children – see section two).

### 15) Responding to perpetrators

State the following:

- The organisation's commitment to challenging perpetrators of domestic violence in the workplace as well as their behaviour outside; that an employee who is a perpetrator of abuse may proactively approach their line manager or another point of contact about their behaviour and that the employer will provide information about available services

- What procedures will be followed if an employee is accused or suspected of perpetrating domestic violence from/in the work place
- Whether conduct outside of work might also lead to disciplinary action i.e. if it undermines the organisation's confidence in them or could harm the employer's reputation (see section two)
- Whether there are any particular posts within the organisation which might be particularly impacted by the post holder being a perpetrator of domestic violence (see section two)
- What will happen if criminal charges are brought against the employee
- What will happen if a colleague is found to be assisting an abuser in perpetrating the abuse
- What will happen if an employee makes a malicious allegation against another employee

### 16) Victim and perpetrator in same workplace

State what will happen in cases where one employee is found to be abusive to a partner who is also an employee of the organisation (see section two)

### 17) Monitoring

Make clear what mechanisms are in place for monitoring and reviewing the policy's effectiveness and who will be responsible for doing this (see later in section three)

### 18) Guidance

Use the information outlined in section two to develop guidance to sit alongside the policy for line managers.

See Appendix 2 for an example of a model domestic violence workplace policy

### Launching a workplace domestic violence policy

Unless your domestic violence policy is (re)launched and publicised, the support that the organisation is offering to staff members will go unnoticed. Creating a workplace environment that lets employees know it is safe to discuss personal problems at work and encourages disclosure of abuse is a critical element of implementing the policy.

Specific time should be devoted to making all new and existing employees aware of the organisation's domestic violence policy. Raising awareness of the policy and the organisations commitment to address domestic violence can be done through a range of activities. Often, simple methods of sharing information have a greater impact on employees than employers realise.

### Ideas for launching a domestic violence policy

Distribute the policy to:

- New employees through their induction; ensure that employee handbooks/induction packs contain the domestic violence policy
- New and existing employees by ensuring that issues related to domestic violence are included in relevant in-house training
- All employees by featuring the policy in newsletters, other company publications and via the intranet
- All employees via e-mail

- All employees by distributing brochures or letters from the CEO to each employee indicating that the organisation realises some employees may experience domestic violence and that support is available

### **Distribute awareness raising material by:**

- Putting posters and leaflets (see example bespoke posters and back of toilet door sticker on the resource DVD) about domestic violence in high visibility places e.g. work reception area, break out rooms
- Putting leaflets in envelopes as inserts
- Displaying help line numbers in toilets
- Printing helpline numbers on pay slips
- Making information available on the company intranet/internet
- Producing a frequently asked questions and answer sheet about the policy (see example FAQ sheet on the resource DVD)

### **Undertake awareness raising activities by:**

- Asking organisational leaders to speak out on the issue and provide visible leadership so that victims benefit from a supportive environment
- Profiling internal domestic violence champions in company publications
- Organising lunch time seminars/briefings that employees can attend
- Holding a domestic violence awareness day or week
- Undertaking fundraising activities in support of the local refuge or domestic violence service provider
- Contacting the local press to tell them about what you are doing
- Developing joint initiatives with trade unions, staff representatives or employee assistance programmes
- Linking in with domestic abuse or violence against women fora in your area - ask them to publicise the fact that your organisation has a domestic abuse policy, ask them to feature it in any newsletters, websites etc
- Partnering with domestic violence organisations such as Refuge and Respect to create bespoke launch packages
- Putting in place an annual campaign to ensure continued awareness of the policy and support available
- Consider re-launching the policy – share with colleagues in a different way/format

There are two key dates in the annual calendar around which you could launch a domestic violence policy:

- 8 March – International Women’s Day
- 25 November – International Day for the Elimination of Violence Against Women (White Ribbon Day)

### Updating and monitoring the implementation of the policy

Just because an organisation has a domestic violence policy does not necessarily mean that it supports victims and perpetrators appropriately. Any policy needs to be monitored and regularly evaluated to see what impact it has on employees and the workplace: (see example monitoring form on the resource DVD).

Regularly and routinely (at least every three years) review the domestic violence policy asking if it still fit for purpose. Remember to include staff groups/trade unions in the review process.

Monitor how it is used - there is no point having a good policy that is not used effectively:

- How many employees experiencing domestic violence has the organisation supported in X period?
- How many employees have been supported around changing their abusive behaviour in X period?
- What support were they given internally?
- What support were they given externally?
- What else could have been provided/done better?
- What else could the organisation do?
- What is the level of awareness in the workforce about the domestic violence policy

The following could help the organisation develop its response to domestic violence

- Make an employee feedback form available. Ensure that the domestic violence policy is considered when developing all new policies
- Review the policy in line with new initiatives/good practice/ new legislation
- Consider making domestic violence training universal throughout the work force
- Regularly update information on help available and contact details
- Develop programmes to refresh staff awareness of the policy through internal communications (e.g. web postings, newsletters and making links to regional events in relation to domestic violence)
- Ensure that the workforce know about the successes of the policy and celebrate the ways the organisation is creating safety

Refuge and Respect can provide some useful materials to support awareness-raising activities (see the DVD that accompanies this manual for details). Your local domestic abuse/violence against women forum may also be able to supply some materials.

**Note:** *If you decide to create your own literature, be careful about the language used. It is very easy to blame the victim and avoid putting onus on the perpetrator of the abuse. Materials need to address the diversity of the workforce and directly encourage help seeking by abusers. Ensure that all the materials you create are accessible and cater for language and disability needs. Ask domestic violence organisations for advice and refer to the communication tool kit on violence against women and girls produced by the Government and Equalities Office (GEO).*

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## **Appendix 1**

### **Examples of good practice by employers**

#### **Deborah's story**

Deborah had worked for a major beauty product manufacturer for five years. Her annual review with her line manager Kate, was due. Kate had recently received domestic violence training following the launch of the company's domestic violence policy and internal awareness raising campaign.

During the discussion around Deborah's performance, Kate, who had been growing gradually more concerned about Deborah's time keeping, raised the issue and asked Deborah if there had been a reason for her frequent late arrivals in the morning. Deborah explained that she had recently left her partner and that she was being stalked by him on the way to and from work. She had been trying to come to work later to make it more difficult for him to follow her.

Kate, thanks to the recently produced domestic violence support manual, was able to find information to suggest how she could help Deborah through this difficult period. She referred Deborah to a specialist domestic violence agency. In the short term Kate and Deborah agreed that she could be escorted to and from home by one of the organisation's security team and that she could work flexi-hours so that she was not leaving and returning home at the same times every day. Over the next couple of weeks Kate discussed the matter with her senior management team and, because the organisation had a second office 50 miles away, they were able to offer Deborah a trial placement at the other site.

#### **Elsa's story**

Elsa was a team leader who had established a solid reputation for her competence and skills. No one at work knew that she was experiencing domestic violence from her partner. Gradually, Elsa's employers started to notice that she was taking more and more days off sick, often with insufficient explanation. When Elsa was challenged about her increased absence from work, she felt incapable of disclosing what was happening at home and was given a written warning.

*"I was too ashamed to admit that there were days I couldn't come to work because I was black and blue. And sometimes I physically couldn't get out of the house because he wouldn't let me leave the room. I had to call in sick. I thought it was my fault – the shame I experienced made me feel that my bosses would judge me and see me as weak and stop respecting me."*

A domestic violence policy was introduced at work, which included a launch campaign and support posters in some of the communal areas, as well as articles in the staff newsletter.

After reading about the new policy in the trade union newsletter and seeing a poster at work, Elsa approached the trade union about supporting her to tell her manager about the domestic abuse. A meeting was facilitated after a "back to work" interview and together Elsa and her manager drafted a safety plan and put her in touch with a local domestic violence organisation to give her the support she needed.

#### **John's story**

John had never hidden his sexuality at work but he did not talk about his personal life as he knew that some people would be judgmental or undermining. When he started to experience abuse in his relationship, work was the last place he wanted to know about it. John's partner was jealous and would question him endlessly about where he had been and who he was speaking too. After John decided to end the relationship, this behaviour escalated with him being accused of having an affair with someone at work and putting his partner at risk of HIV.

John was scared that his ex-partner would turn up at work and cause a scene, as this was something he often threatened. After the workplace launch of a domestic violence policy which included clear messages about same sex relationships, he decided to inform his manager.

John's manager knew about the safety measures that could be put in place and informed security as well as reception of the situation so that they knew not to let John's ex-partner onto the premises. John's manager organised, with John's permission, for a member of staff to give him a lift home in the evening. John's manager referred John to the HR team who linked him in with relevant external agencies; these supported John in getting a protection order and keeping safe outside of the work place.

### **Maggie's story**

Regardless of the time of year, Maggie always dressed in heavy clothing, dark tights and tops with long sleeves. She also wore heavy make-up, but sometimes the bruising was so bad it would show through.

Maggie worked in a customer service call centre. Her manager had become concerned that Maggie was hiding domestic violence and decided to raise the subject with her. She told Maggie that the company would support her, but that they respected that she needed to make up her own mind about what to do. Maggie was given information that could help her. Her manager told Maggie that she could always approach her if she wanted support or to talk about it. Maggie admitted that she was concerned about her two young children and worried that she wouldn't be able to cope on her own if she left her husband. A few months later, when the bruises began to appear more regularly, Maggie accepted help and made contact with a local domestic violence agency.

*"In the end I left because I realised that I had to protect myself as well as the kids. My boss was brilliant. She helped me look at childcare options and told me about the organisation's family friendly policy. I didn't even know such a policy existed, so I didn't have to give up work. She transferred me to an office in a different part of town and arranged with the payroll section for my salary to go into another bank account that my husband could not access. She also told me about the credit union so I could save straight from my wages. My company protected me by putting in place safety measures that meant my husband couldn't find me."*

### **Steve's Story**

Steve's marriage broke down after 13 years and he did not cope well. He started drinking and became depressed and withdrawn. One day at work he quite unexpectedly and uncontrollably burst into tears. His manager took him into the office and asked about what was happening, concerned for his welfare. Steve talked about the end of his relationship, his inability to cope, his threats to commit suicide and his calling his ex at all times of the day and night.

His manager, having had domestic violence and employment training, recognised that Steve was a risk to himself and his ex and that he needed counselling about the end of the relationship and accepting his partner's wishes, together with an intervention that would stop Steve's behaviour escalating into dangerous stalking and harassment. The manager also realised that Steve's ex-partner might also need support and spoke to the HR domestic violence specialist about this.

The manager's careful intervention was a response to Steve's presenting symptom: his distress at the end of the relationship. He was not offered time off as this might have left him more isolated.

The manager recognised Steve's need for support, but he also recognised the need to address the escalating risk he posed - an intervention that may have saved the lives of two people.

### **Mohamed's Story**

Mohamed had separated from his wife and it was very clear that the marriage was all over, but he often seemed angry or depressed. To colleagues he seemed to be going through a difficult divorce with lots of disputes about money and the children. He portrayed his ex-wife as mean and vengeful, and was always complaining that the court was against him or his lawyers were no good.

He often needed time off to go to the solicitors or to court. Mohamed's manager became uncomfortable about the level of hostility he displayed when talking about his ex-partner. One of the features of domestic violence is the way the perpetrator blames and runs down their partner, making them the one at fault all the time. The manager was also concerned about the atmosphere this created in the workplace and how Mohamed would seek collusion with his point of view from other members of staff, and he felt there was a misogynistic element to this.

Mohamed's manager decided to talk to him about this as his line manager, and asked Mohamed what his ex-partner's objections to his contact with the children were. Mohamed said that his ex had made up allegations that he was abusive to her but these allegations were unfounded and she was using the system and the children to get back at him. This left Mohamed's manager with a number of concerns:

- Was Mohamed being abusive to his ex-partner?
- Was Mohamed winding himself up to a point where he would be a risk to his ex-partner?
- Was Mohamed becoming depressed as a result of the separation?

Mohamed was working in the finance department and if he had been working in a more sensitive area his manager would have wanted to have an investigation about what was happening.

However, he decided to provide Mohamed with details of a number of agencies that he could talk to about the allegations of abuse, and referred him to the Respect Phonenumber. He also informed Mohamed that it was not appropriate to talk about his ex-partner in such a vitriolic manner.

Other members of staff had become uncomfortable with Mohamed's behaviour and appreciated the line manager's efforts to make it clear that the office was not a place where such views could be voiced.

### **Rory's story**

When Rory was arrested one weekend for assaulting his partner, he spent the weekend in the police cells and appeared in court on Monday morning charged with assault. His wife had phoned in sick for him, and his employer was not aware that there had been any criminal justice intervention. Rory spoke to his shop steward at work (he had worked with him for eight years and considered him a friend) in a panic about what to do. Rory was afraid that if his manager found out, he would be sacked.

He told the shop steward that he had hurt his wife and was ashamed of himself. He said that his wife has written to the court to plead to get the charges dropped because she did not want him to lose his job, as they had three children and she was pregnant. He had bail conditions not to live at home and was staying with his brother.

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## Appendix 1: examples of good practice by employers

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The shop steward asked if he could refer him to someone in the branch who was better placed to advise him. He was aware that the branch had a policy on domestic abuse but was not familiar with it. Rory agreed to this. A shop steward who had been trained alongside management and HR on the domestic abuse policy agreed to meet him. He explained that the charge of assault would not automatically mean dismissal, however he may have breached the code of conduct: not telling his manager or the HR department could have a worse outcome than telling them.

The shop steward affirmed with Rory that talking about abuse is the first step to being accountable and recognised that it is very difficult to talk about domestic violence as a perpetrator. He was clear about the boundaries of confidentiality with Rory.

Rory appeared genuinely at a loss regarding what to do. The shop steward told Rory about the Respect Phonenumber and gave him the number so he could talk through his options with someone who understood the issues better. The shop steward raised the issue of Rory's wife and children's safety. Rory became defensive about this and appeared to become cross and agitated. The shop steward again encouraged Rory to contact the Respect Phonenumber.

Rory and the shop steward agreed to meet in a week's time to discuss further options and whether Rory would like support to disclose the matter to his manager.

The shop steward and Rory met again. Rory had spoken to his wife who had not written to the court after a discussion with the health visitor. Instead she had asked Rory to get some help. Rory thought that this would be a good idea and was thinking about it, but was still worried about telling his manager, though he thought he would do so sooner rather than later.

The shop steward agreed to support Rory in telling his manager. Rory and the shop steward met with his manager, who contacted HR as she did not know what to do. The shop steward mentioned the domestic abuse policy several times in their meeting and the HR manager was able to invoke the domestic abuse policy. As Rory worked directly with service users, he was transferred to an office based role whilst he awaited trial. It was recognised that the case was sub-judice and therefore could not be discussed but it was made clear that Roy must continue to respect the bail conditions and continue to live with his brother. This became especially difficult when Rory's baby was born; Rory was given paternity leave though he was reminded that any further offending, including breaches of bail conditions, would have consequences at work.

When the case came to court Rory pleaded guilty to the assault and was sentenced to Probation/ Community Rehabilitation Order. He agreed to attend a perpetrator programme, and attended the programme in the evening after work. After he was sentenced, Rory received a final written warning from his employer about his offending behaviour, and was placed in a different place of work, a consequence of which was a slight reduction in salary as there were fewer shifts. Rory was supported by the shop steward who helped him disclose. Rory fully accepted that he broke the Code of Conduct and was accountable. It was commented that his lack of plea of mitigation or denial allowed managers to continue to employ him, however there was a clear expectation that his employment could be terminated if he were to breach the code of conduct.

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## Appendix 2

### example of a model domestic violence policy

The following example of a “model” domestic violence policy has been designed to outline what measures an organisation can put in place to respond to victims and perpetrators of domestic violence. As noted above, when you are developing a domestic violence policy you should be clear about what your organisation can and cannot do. Only include measures which you can achieve; remember you can always improve on your policy in the future.

#### Policy statement

*This organisation* recognises that its employees will be amongst those affected by domestic violence either as: a survivor of domestic violence, an individual who is currently living with domestic violence, someone who has been impacted by a domestic violence homicide or as an individual who perpetrates domestic violence.

*This organisation* believes that violence is unacceptable and a breach of human rights since everyone has the right to live free from fear and abuse. We are committed to developing a workplace culture in which there is zero tolerance for violence and which recognises that the responsibility for domestic violence lies with the perpetrator.

*This organisation* is committed to reducing domestic violence and this policy sets out the actions that will be taken in responding to employees who are experiencing domestic violence and where there are concerns that an employee may be the perpetrator of domestic violence.

By developing an effective Domestic Violence Policy and working to mitigate the risks related to domestic violence, we will create a safer workplace and we will also send out a strong message that domestic violence is unacceptable. *This organisation* further recognises that domestic violence is an equalities issue.

*This organisation* has joined the Corporate Alliance Against Domestic Violence to demonstrate its commitment to tackling this issue. *This organisation* wishes to be the employer of choice – it believes that this domestic violence policy will help it to retain valued staff and improve employee performance and morale.

#### Definition of domestic violence

For the purposes of the policy *this organisation* recognises the Government’s definition of domestic violence:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality”

*This organisation* recognises that domestic violence is rarely confined to a single incident and typically forms a pattern of coercive or controlling behaviour.

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## Appendix 2: example of a model domestic violence policy

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### Scope of the policy

This policy covers survivors of domestic violence, current victims of domestic violence, secondary victims of domestic violence homicide and perpetrators of domestic violence.

It applies to staff across all sites as well as agency and contract staff.

*This organisation* recognises the gendered nature of domestic violence and recognises that the majority of survivors and victims of domestic violence are women and that the majority of perpetrators are men. A full equality impact assessment has been conducted and may be inspected.

However *this organisation* also recognises that domestic violence is experienced in same sex relationships, by men from women partners and by family members. This policy is therefore applicable whatever the nature of the intimate relationship.

### Legal obligations

Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992), *this organisation* recognises its legal responsibilities in promoting the welfare and safety of all staff.

### Related policies

All of *this organisation's* HR policies and procedures have been reviewed to ensure they complement and do not restrict the provisions outlined in this policy. Where appropriate, the guidance which accompanies this policy will direct the person using the policy to other relevant policies and procedures.

### Confidentiality

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

There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where the employer needs to act to protect the safety of employees.

In circumstances where this organisation has to breach confidentiality it will seek specialist advice before doing so. If it decides to proceed in breaching confidentiality after having taken advice, it will discuss with the employee why it is doing so and it will seek the employee's agreement where possible.

As far as possible, information will only be shared on a need-to-know basis.

Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.

Employees experiencing domestic violence may choose to be accompanied at meetings by a colleague, trade union representative or a friend.

### Right to privacy

*This organisation* respects employees' right to privacy. Whilst *this organisation* strongly encourages victims of domestic violence to disclose domestic violence for the safety of themselves and all those in the workplace, it does not force them to share this information with us if they do not want to. *This organisation* does however require perpetrators of domestic violence to declare any related prosecutions.

### Anti-discrimination

*This organisation* will not discriminate against anyone who has been subjected to domestic violence both in terms of current employment or future development.

If an employee discloses domestic violence during disciplinary procedures in relation to performance, absenteeism etc. this will be taken into account. If it is felt that the issue can be resolved by addressing the support or safety needs of the employee the disciplinary process may be suspended.

### Awareness raising and early intervention

*This organisation* will strive to create an environment which is alert to domestic violence and in which employees feel supported to use confidential mechanisms to disclose experiencing abuse or perpetrating abuse.

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

### Point of contact

The following staff members have a critical role as trained members of staff able to offer appropriate responses to victims and perpetrators of domestic violence:

#### *Name staff and job titles*

The role of the individuals identified above is to:

- Be available and approachable
- Listen, reassure and support
- Respond in a sensitive and non-judgmental manner
- Discuss how the organisation can support the employee
- Ensure the employee knows what options are available to them

*Insert name and job title* has undergone additional training and is available to provide advice and guidance if any named managers need assistance on being approached about domestic violence.

*This organisation* recognises that some employees may not wish to approach the members of staff named above and may prefer to involve a third party such as a work colleague or trade union representative.

In such circumstances, *this organisation* will advise the employee of the difficulties which may arise if the manager is not aware of the relevant facts and circumstances (for instance if there is a potential health and safety issue or if other action is being taken on performance or absence monitoring).

### Training

*This organisation* is committed to training all line managers on the issue of domestic violence. In addition to specific training courses on the issue, it will be integrated into other relevant training courses e.g. performance management. As a minimum, line managers will be trained to:

- Identify if an employee is experiencing difficulties because of domestic violence
- Provide initial support - be clear about available workplace support
- Discuss how the organisation can contribute to safety planning
- Signpost/offer referrals to other organisations
- Understand that they are not counsellors

### Role of colleagues

*This organisation* encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, employers should ensure that the person is made aware of this policy and that there is internal and external support available. Encourage them to talk to this organisation's domestic violence contacts in confidence.

### Support

Survivors of domestic violence, victims of domestic violence, employees affected by domestic violence homicide and employees who are concerned about their abusive behaviour working for *this organisation* do not have to keep their experience to themselves; there is help and support available.

Sources of confidential internal and external support available to all employees can be found on the intranet or can be provided by the trained members of staff named above. They can also be found in the appendix to this policy.

*This organisation* recognises that developing a life free from abuse is a process not an event and *this organisation* will provide ongoing support for employees who disclose abuse.

*This organisation* will ensure that employees who are victims of domestic violence are never disciplined because they refused or rejected support and assistance.

### Safety planning

*This organisation* will prioritise the safety of employees if they make it known that they are experiencing domestic violence.

When an employee discloses domestic violence, *this organisation* will encourage its employees to contact a specialist support agency who can undertake a DASH risk assessment. Where *the organisation* has a suitably trained specialist member of staff, they will undertake a DASH assessment and make appropriate referrals where necessary.

*This organisation* will work 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.

### Perpetrators of domestic violence

Domestic violence perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. *This organisation* recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

If an employee approaches *this organisation* about their abusive behaviour, *this organisation* will provide information about the services and support available to them.

*This organisation* will treat any allegation, disclosure or conviction of a domestic violence related offence on a case-by-case basis with the aim of reducing risk and supporting change.

*This organisation* views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the *organisation's* Code of Conduct for disciplinary purposes.

*This organisation's* Code of Conduct is intended to inform all staff, irrespective of grade, of the standards of conduct expected of them. It identifies a set of principles governing behaviour by which staff members are expected to abide. Staff members are expected at all times to present high standards of personal integrity and conduct that will not reflect adversely on *the organisation* and its reputation.

These procedures can be applicable in cases where an employee has:

- Behaved in a way that has harmed or threatened his/her partner
- Possibly committed a criminal offence against his/her partner
- Had an allegation of domestic abuse made against him/her
- Presented concerns about their behaviour within an intimate relationship

*This organisation* is committed to ensuring that:

- Allegations will be dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure
- All employees will receive guidance and support
- Confidentiality will be maintained and information restricted only to those who have a need-to-know
- Investigations will be sufficiently independent
- All cases will be dealt with quickly avoiding unnecessary delays
- All efforts will be made to resolve the matter within 4-6 weeks, although some cases will take longer because of their nature or complexity

**NOTE:** *This procedure is intended to be safety focussed and supportive rather than punitive.*

The accused member of staff will be:

- Treated fairly and honestly
- Helped to understand the concerns expressed and processes involved
- Kept informed of the progress and outcome of any investigation and the implications for any disciplinary process
- Advised to contact their union or professional organisation

### There are four potential strands in the consideration of an allegation:

1. A police investigation of a possible criminal offence
2. Disciplinary action by the employer
3. Providing specialist, safety-focused counselling
4. Identifying risk

Any employee who is responsible for giving advice or support to those experiencing domestic abuse needs to be particularly aware of the potential consequences if they are found to be perpetrators.

If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones, e-mail or fax machines then they will be seen as having committed a disciplinary offence.

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken.

### If the victim of the perpetrator works in the same organisation

In cases where both the victim and the perpetrator of domestic violence work in the organisation, *this organisation* will take appropriate action.

In addition to considering disciplinary action against the employee who is perpetrating the abuse, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace.

Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties for one or both employees or withdrawing the perpetrators access to certain computer programs.

### Monitoring

This policy was established in 20XX. It will be the responsibility of Human Resources in partnership with the trade union to review this policy and the procedures that accompany it 12 months after it is introduced to the workforce. Thereafter it shall be reviewed every three years unless there are changes in legislation, best practice or other organisational policies.

### Further guidance

Anyone using this policy to respond to a victim or perpetrator of domestic violence should refer to the further guidance.

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## **Appendix 3** **note on Scotland**

This manual can be used by all employers and organisations in the UK. In Scotland there is different legislation and there are different resources for domestic abuse.

### **Scottish Government Definition**

In 1999 the Scottish Government (then the Scottish Executive) agreed the following statement as the Scottish definition of domestic abuse:

‘Domestic abuse (as gender-based abuse) can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviours such as isolation from family and friends)’

### **Legal Definitions**

Employment and Health and Safety legislation is equivalent in Scotland however the majority of criminal and public law is different in Scotland. As an employer this will not have a major affect on your employment policies, however specific legislation to be immediately aware of is:

- Children (Scotland) Act (1995)
- Protection of Children (Scotland) Act (2003)
- Protection from Abuse (Scotland) Act (2005)
- Adult with Incapacity (Scotland) Act (2007)

### **Scottish agencies**

Refuge does not operate in Scotland, however if Respect or Refuge are contacted they will be able to advise your organisation regarding training and consultancy on policies, and workforce development in your area.

There are many local specialist agencies throughout Scotland. It may be best to check with Scottish Women’s Aid or your local Violence Against Women Training Consortium for recommended local contacts.

Scottish Women’s Aid can be contacted on 0131 226 6606 or [www.scottishwomensaid.org.uk](http://www.scottishwomensaid.org.uk)  
To find out about your local Violence Against Women Training Consultancy contact the Violence Against Women Unit at the Scottish Government on 0131 556 8400

## Footnotes

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