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**Domestic Abuse Support for Staff**

**Workforce Policy**

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| **BCHC Document Reference Number:** | **CH 775** |
| **Date Approved:** | 11/06/2024 |
| **Due For Review:** | 13/06/2027 |

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| **Document Control** | |
| **Document Title** | Domestic Abuse Support for Staff Workforce Policy |
| **Document Type** | Policy |
| **Version** | 2.0 |
| **BCHC Policy Reference Number** | CH 775 |
| **Trust wide/Local** | Trust Wide |
| **Author** | Michael Loftus, Lead Nurse Safeguarding Adults |
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| **Approval committee and date** | Safeguarding Sub Committee 11.06.2024 |
| **Ratification committee and date** | Quality & Safety Executive 13.06.2024 |
| **Review Date** | June 2027 |
| **Date issued** | 19/06/2024 |
| **Date & Outcome of E&HRA assessment** | 15/04/2024 Accepted |
| **BCHC Strategic Objectives** | Safe, High Quality Care |
| A Great Place to Work |
| Integrated Care |
| **Summary** | The objective of the Domestic Abuse Support for Staff Workforce Policy is to ensure that victims of domestic abuse are aware of the support that is available within the organisation.  It also provides guidance to line managers when supporting staff who are affected by domestic abuse or are perpetrators of domestic abuse. |
| **Key words and phrases** | 1.Domestic Abuse (see definitions). |

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| --- | --- | --- | --- |
| **Version History** | | | |
| **Version No.** | **Lead** | **Date Change Implemented** | **Reason for Change** |
| V 1.0 | P.Finnegan | 09.09.2021 | New Policy |
| V 2.0 | M.Loftus | 13.06.2024 | Updated version |

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| --- | --- | --- |
| **Stakeholder Consultation**  The following committees, groups or individuals have been consulted in the development of this document. | | |
| **Group / Department** | **Date sent:** | **Feedback received**  **Y/N** |
| BCHC Safeguarding Team | 04/04/2024 | Y |
| Dr Sabiha Azmi  Trust Head of Psychology & Psychological Services | 03/04/2024 | N |
| Pearl Bramble Wilson  Head of Human Resources | 03/04/2024 | Y |
| BCHC Safeguarding Sub Committee | 09/04/2024 | Y |

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# Introduction/Background

Birmingham Community Health Care NHS Foundation Trust (BCHC NHSFT) is committed to supporting employees who are experiencing domestic abuse and providing guidance for employees and management to address the occurrence of domestic abuse and its effects on the workplace. Everyone has the right to a life free from abuse in any form. Domestic abuse is wholly unacceptable and responsibility for domestic abuse lies with the perpetrator. Abusive relationships impact both home and working lives. BCHC strives to create a working environment that promotes the view that abuse against people is unacceptable and that such abuse will not be condoned.

Under the Human Rights Act (1998) all public bodies have an obligation to protect the human rights of individuals and to ensure that their human rights are not being violated. The Equality Act (2010) includes a public sector duty and those subject to the general equality must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity for protected groups and foster good relations. Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992) workers have the right to work in a safe environment where risk to health and wellbeing are considered and dealt with effectively.

The BCHC Strategic Objective “A Great Place to Work” states that BCHC is committed to creating a great place to work and learn, enabling our colleagues to be the best that they can be and relates to supporting colleague health and wellbeing. In line with its legal responsibilities and its vision and values BCHC will seek to create a safe environment that encourages people to disclose that they have been subject to domestic abuse, help them recognise that this is not acceptable and enable them to seek help and support. BCHC is committed to ensuring that any member of staff who is a victim of domestic abuse has the right to raise the issue in the knowledge that they will receive appropriate support and assistance. This policy also covers the approach the Trust will take where there are concerns that a member of staff may be the perpetrator of domestic abuse.

The [Crime Survey of England and Wales 2023](https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingseptember2023#domestic-abuse-and-sexual-offences) estimated that 4.4% of people aged 16 years and over experienced domestic abuse in the year ending March 2023. The Survey noted that police flagged 862,765 recorded offences as domestic abuse-related in the year ending September 2023. Although domestic abuse can impact any gender the [Office for National Statistics](https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/violenceagainstwomenandgirls/latest#overview-of-violence-against-women-and-girls-research) highlights violence against women and girls which covers a wide range of abuse types that affect more women and girls than other groups. These include domestic homicide, domestic abuse, sexual assault, abuse experienced as a child, female genital mutilation (FGM), forced marriage and harassment in work and public life.

This policy recognises that both men and women may perpetrate or experience domestic abuse however the vast majority of reported domestic abuse is perpetrated by men on women. BCHC recognises that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subjected to domestic abuse.

By developing an effective policy to support staff affected by domestic abuse, and working, to reduce any related risks, the Trust can create a safer workplace and also sends out a strong message that domestic abuse is unacceptable.

# Purpose

The purpose of this policy is to:

• Promote the health, safety and well-being of all BCHC employees so that they can remain in a safe and supportive environment.

• Support BCHC’s employees subjected to domestic abuse and to provide reassurance to them that the issue will be dealt with sympathetically, seriously, safely and confidentially with no fear of stigmatisation.

• Raise awareness of domestic abuse amongst employees who may be victims or involved in identifying risks and supporting colleagues.

• Reduce levels of sickness and absence and improve performance, self-confidence and morale.

• Retain skilled and experienced staff.

• Provide assistance and guidance to employees and managers in identifying and dealing with incidences where domestic abuse and/or its effects become apparent in the workplace.

• Provide assistance and guidance to managers to enable them to take effective and appropriate action against perpetrators of domestic abuse.

• Identify and address any wider safeguarding concerns related to an employee experiencing domestic abuse where children and other adults are at risk of harm

# Scope

This policy applies to all employees (including seconded, temporary, bank staff, all students or apprenticeship schemes and staff on honorary contracts) who are current victims of domestic abuse, survivors of historic domestic abuse, who are concerned that their behaviour may be considered as domestic abuse and to perpetrators of domestic abuse. The policy provides information and guidance for all employees and managers and supports the [Domestic Abuse policy (CH app)](https://intranet.bhamcommunity.nhs.uk/policies?media_search_term=domestic+abuse&search=Search&media_search_fields=display_name&media_search_fields=keywords&prev_term=&media_folder=39&root_folder=Policies&media_search_type=10&sort_on=title&sort_or=ASC#media-browser).

# Definitions

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| **Definition/Acronym** | **Description** |
| Domestic Abuse | The [Domestic Abuse Act](https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted) (2021) created a statutory definition of domestic abuse. The definition of domestic abuse is in two parts. The first part deals with the relationship between the abuser and the abused. The second part defines what constitutes abusive behaviour.  The definition states that the behaviour of a person towards another person is “domestic abuse” if they are each aged 16 or over and are personally connected to each other, and the behaviour is abusive.  ‘Behaviour is “abusive” if it consists of any of the following:  • physical or sexual abuse  • violent or threatening behaviour  • controlling or coercive behaviour  • economic abuse  • psychological, emotional or other abuse |

# Duties and Responsibilities

## 5.1 Chief Executive Officer (CEO)

The Chief Executive Officer is responsible for ensuring that a structured approach to document development and implementation is in place. Responsibility for the development of policies, procedures, guidance, and strategies may be delegated but overall responsibility resides with the Chief Executive Officer.

## 5.2 Executive Director Lead

The Executive Director Lead is responsible for oversight of this policy in support of BCHC strategic objectives notably being “A great place to work”. This links to supports available to staff.

## 5.3 Manager

All managers are responsible for making themselves aware of the objectives of the policy and knowing when, where and how to signpost staff experiencing domestic abuse and who might need help to reach the appropriate services as well as making adjustments to their working arrangements to ensure their safety in the workplace.

Managers have a responsibility to consider the impact of the domestic abuse on the employee’s ability to undertake their role and seek advice from Human Resources and their line manager where there is a concern. Managers have a responsibility to consider any risks where a staff member has dependent children or lives with other adults at risk and seek advice from the Safeguarding Team. [Appendix 5](#_Appendix_5) is a Domestic Abuse Guide for managers to support this policy.

## 5.4 Human Resources

Human Resources will advise both managers and employees in relation to workplace adjustments where employees are affected by domestic abuse. Human Resources will provide advice related to support available to employees through the [Employment Assistance Programme CareFirst](https://intranet.bhamcommunity.nhs.uk/od-health-and-wellbeing-additional-support-a-z) and [Optima (occupational)](https://intranet.bhamcommunity.nhs.uk/optima-occupational-health) or Health support. Human Resources will also provide advice to managers where there are concerns that an employee’s experience of domestic abuse is impacting on their ability to undertake their role and responsibility as detailed in their job description. Information and data on contacts with Human Resources will be collated quarterly.

## 5.5 Safeguarding Team

The Safeguarding Team will provide specialist support to managers regarding issues related to the risk to children and adults. Information and data on contacts with the Team will be collated quarterly.

## 5.6 Trade Union Representatives

Trade Union Representatives will support and signpost members to appropriate resources and support in the workplace.

## 5.7 All Trust employees

All Trust employees, regardless of their job role, have a responsibility to help create a supportive workplace. Employees will take note of this policy and act in accordance with its contents. They will ensure their behaviour at work reflects the aims and values of BCHC and that they follow this policy in maintaining confidentially and privacy for colleagues experiencing domestic abuse.

Employees who are aware of a colleague who may be experiencing domestic abuse are advised to draw their attention to this policy and encourage them to seek support from both a specialist domestic abuse service and their manager.

Employees experiencing domestic abuse are encouraged to discuss/disclose their experience with their line manager, Trade Union Representative or a colleague, so that they may undertake their duty to provide support and help. The victim may feel that they are able to deal with the situation themselves. It is for the employee to raise the matter and it is their choice if they wish to disclose any information.

## 5.8 BCHC Committees

Safeguarding Sub Committee: Will be responsible for approval, dissemination, implementation and revision of this document and provide assurance of compliance as described in the monitoring element of this document.

Quality and Safety Executive (QSE): Will ratify this policy.

# Equality and Human Rights Impact Analysis

The Equality and Human Rights Impact Analysis has been completed and shared with the with the BCHC Equality Team to support this process.

# Process / Procedure

**7.1 Advice for BCHC staff experiencing domestic abuse**

If you are being abused by someone you are or have been in an intimate relationship with or a family member there are individuals and organisations that can give practical and emotional support, both inside and outside of the workplace. Staff who have experienced domestic abuse in the past can also receive advice and support. You can talk to your Manager, Human Resources, Staff Side Representative, Safeguarding Team or the BCHC Employee Assistance Programme CareFirst for advice and guidance. Support and advice is available from specialist domestic abuse services as detailed in [Appendix 2](#_Appendix_2). If you think you are in immediate danger, contact the Police by calling 999.

Your Manager can provide information that will support you in relation to special leave/time off, changes/adapting working arrangements either short term or long term, counselling. Raising the issue of domestic abuse with your manager will raise their awareness to the fact that your home circumstances could be impacting upon your work performance and upon your health and safety in the workplace and enable them to provide practical support. Your manager will seek to offer you support and signpost you to appropriate services wherever possible. A list of specialist domestic abuse services is detailed in [Appendix 2](#_Appendix_2).

Your personal circumstances will be treated as strictly confidential. Your manager will however have a duty to consider the risks to you and your safety, risks to any dependent children or adults with care and support needs. This could involve making referrals to Children’s Services or Adult Social Care to enable you to protect yourself, other adults at risk or children at risk. If there are serious concerns to a person’s safety a referral can be made to a Multi-Agency Risk Assessment Conference (MARAC).

## 7.2 Support for BCHC staff experiencing domestic abuse

BCHC will respond in an effective, confidential and sympathetic manner to any employee if they are experiencing domestic abuse. Staff will not be discriminated against because of domestic abuse. Support to staff is available through their Manager, HR Adviser, Trade Union/Staff Side representative, Safeguarding Team and the Employee Assistance Programme provided by Care First or Optima Health/Health support. Confidential counselling is available through Care First.

Domestic abuse can affect work performance and the health and safety of employees. Due to the various different ways that the effects of domestic abuse can manifest in employees, it should be noted that where other policies are being followed, such as the Trust’s Capability, Disciplinary or Sickness Absence policies, managers should be mindful of whether issues of domestic abuse may be having an impact even when these have not been disclosed by staff. BCHC has a legal responsibility to protect the health, safety and welfare of all employees whilst at work. Signs that an employee might be experiencing domestic abuse include:

• Unexplained injuries

• Decreased productivity

• Frequent lateness or absence

• Changes in behaviour

It is important to establish where there are issues related to performance or attendance to see what is behind the concerns in order that the member of staff receive appropriate support. See [Appendix 1](#_Appendix_1): Signs that someone might be experiencing domestic abuse.

A person’s vulnerability to abuse may be increased by factors including age, disability, sexual orientation, gender identity, ethnicity and economic status. Be aware of the potential impact of equality and diversity issues as assumptions about people’s beliefs, values, age, gender identity or sexuality may affect how you recognise and respond to domestic abuse for example lesbian, gay, bisexual and people from the trans community are also at risk of domestic abuse.

Where managers suspect that issues relating to domestic abuse may be having an impact or there are suspicions, they may wish to ask any of the below questions in order to ensure the employee is fully supported.

• How are you feeling at the moment? Are there any issues you would like to discuss with me?

• I have noticed recently that you are not yourself. Is anything the matter?

• Are there any problems or reasons that may be contributing to your frequent

sickness absence / under-performance at work?

• Is everything all right at home?

• You’ve mentioned that you’re scared of your partner. Would you like to tell me more about that?

In certain circumstances, it may be appropriate to take a more direct approach if it is felt that a direct question will more likely encourage the employee to open up if they feel able. An example of this could be as follows:

• I want to ensure you are safe at work and offer you confidential support. Have you ever been emotionally or physically hurt by your partner, ex-partner or a family member?

Where an employee discloses they are experiencing domestic abuse support will be provided by the employee’s immediate line manager. The manager’s initial response will be crucial to engaging with the employee. Managers within BCHC will listen and be sensitive and non-judgemental in order that the most appropriate help can be offered. Employees should not be pressurised into a specific course of action, but supported in taking the action they consider most appropriate. Managers will:

• listen to the employee without judgement

• never blame the employee for the abuse or excuse the perpetrator’s behaviour or ask them why they have not left/tell them to leave

• believe the employee and validate what they are telling you. e.g. ‘I’m really glad you told me’, ‘this is not your fault’, ‘you do not deserve this’, ‘you are not alone'

• ask the employee what they need and be guided by them. The employee is always the expert in their own life. It is important to be patient and allow them to set the pace

• discuss the specific steps that can be taken to help this person stay safe in the workplace

• ensure the employee is aware of options available to them in relation to support through specialist domestic abuse services

• support affected employees to utilise [Health and Wellbeing](https://intranet.bhamcommunity.nhs.uk/od-health-and-wellbeing) support mechanisms available internally to the Trust i.e. referral to Team Prevent or Trust Optima Health (Employee Assistance Programme) or Health support.

• be aware that there may be additional difficulties faced by the employee because of age, sex, transgender, sexual orientation, ethnic background, religion/beliefs, disability, pregnancy, or marriage or civil partnership, and respond to these appropriately and sensitively

• keep information confidential subject to the requirements of Safeguarding Children and Safeguarding Adults processes and high risk domestic abuse cases

## 7.3 Specialist domestic abuse services & safety planning

The recommended option for anyone experiencing domestic abuse is to contact or be referred to specialist practitioners trained to assess risk and advise on safety. Managers should refer or signpost the employee to a domestic abuse helpline, web resource or external specialist domestic abuse service.

See Appendix 2 for details of Domestic Abuse Support Services.

Assist the employee to think about their own personal safety and that they consider [safety planning.](https://www.womensaid.org.uk/information-support/) A personalised safety plan can help the employee to think about how they will protect themselves (and any children they may have) either within the relationship or if they decide to leave. A specialist domestic abuse service can support the employee to develop a safety plan.

The employee should be advised that in an emergency that they contact the Police by calling 999. Inform the employee of the Silent Solution system for situations when someone calling 999 is unable to speak. Call 999 and press 55 when prompted. There is no need to speak at all.

## 7.4 Workplace adjustments to support staff

Where an employee discloses domestic abuse managers do have a responsibility to take reasonable action to ensure the workplace is safe for the member of staff. BCHC will provide support and assistance to meet the needs of an employee experiencing domestic abuse through workplace adjustments. This recognises that individuals experiencing domestic abuse will have different needs at any one time and these needs can vary over time. Line managers in consultation with HR may consider offering a broad range of support to staff experiencing domestic abuse including:

• Annual leave, flexi-time or lieu time for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.

• Special leave provisions (e.g. compassionate leave or unpaid leave) where the member of staff’s annual leave entitlement has been exhausted.

• Temporary or permanent changes to working times and patterns using existing procedures i.e. flexible working.

• Changes to specific duties, for example to avoid potential contact with the perpetrator in a customer facing role.

• Adjusting responsibilities and workload.

• Measures to ensure a safe working environment, for example blocking emails / screening telephone calls; alerting reception / security if the perpetrator is known to come to the workplace; and ensuring arrangements are in place for safely travelling to and from work. Advice can be sought from the Trust’s Local Security Management Specialist to ensure due consideration is given to the safe systems of work.

• Redeployment or relocation.

• With the member of staff’s consent advise colleagues on a need-to-know

basis and agree a response if the perpetrator contacts the workplace.

• Review the security of personal information held, such as temporary or new address and bank details.

See Appendix 3: Questions for you to consider in relation to workplace safety and examples of workplace adjustments.

The right of staff to make their own decision about the course of action at every stage will be respected. It is recognised that a member of staff may need some time to decide what to do and may try different options during this process. Workplace adjustments should be reviewed periodically to reflect any change in risk.

In some circumstances there may be concerns with regards to the impact on the member of staff’s ability to meet their role and responsibility as detailed in their job description. Manager’s should discuss any concerns with HR and refer to the [Allegations or Concerns in relation to a Person in a Position of Trust Policy](https://intranet.bhamcommunity.nhs.uk/policies?media_item=2901&media_type=10#file-viewer).

## 7.5 Confidentiality and consent

It is likely that it will take a significant amount of courage for an employee to disclose issues relating to domestic abuse with their manager/colleague, therefore the maintenance of trust and confidentiality is crucial to help support the situation.

It is essential that a discussion is held with the employee as soon as any disclosure is made regarding any limits to the confidentiality in practice. For instance if the line manager feels they will need to seek advice from other services or refer the matter to their own manager for support, they must gain prior consent from the affected employee. The manager must ensure the information is only shared on a ‘need to know’ basis and is only ever done so with the employee’s prior consent.

Information may be shared within the organisation: for example, to ensure staff can respond safely, to implement any agreed workplace adjustments. In these circumstances, the member of staff will be informed as to the reasons why confidentiality cannot be maintained. This should usually be done with the full knowledge and consent of the victim, and only on a need-to-know basis.

It will be necessary to inform others where there are safeguarding concerns related to children or adults or where the person is at high risk of serious harm or murder from domestic abuse. In all cases the consent of the employee should be sought wherever possible. If the employee does not consent, the manager/colleague has a duty of care to escalate the matter.

## 7.6 Safeguarding Concerns: children or adults

Where an employee who is experiencing domestic abuse has dependent children or lives with an adult who has care and support needs it is important the manager seeks advice regarding the potential risk. Contact should be made with the Safeguarding Children’s Team and or Safeguarding Adults Team for advice where abuse is suspected regarding the risks and reporting concerns to the relevant local authority children’s services or adult social care services.

If the employee or another adult living in their household is aged 18 or over, who has needs for care and support and is experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect the [Adult Safeguarding Policy (CH 103)](https://intranet.bhamcommunity.nhs.uk/policies?media_folder=305&root_folder=Adult%20Safeguarding:%20Multi-agency%20policy%20and%20procedures%20for%20the%20protection%20of%20adults...)  should be followed.

## 7.7 Risk in domestic abuse situations

Risk in domestic abuse situations is dynamic and can change very quickly. In a small number of cases, victims may be at high risk of serious harm or murder from domestic abuse. The Domestic Abuse, Stalking, and Honour-based violence (DASH) risk checklist provides a consistent and simple to use tool to identify those people who are at high risk of harm and whose cases should be referred to a [Multi-Agency Risk Assessment Conference](https://safelives.org.uk/sites/default/files/resources/MARAC%20FAQs%20General%20FINAL.pdf) (MARAC) meeting in order to manage the risk.

The line manager should complete a DASH risk assessment with the employee. If following the risk assessment, the employee is assessed at high risk or the professional has serious concerns about the employee they should be referred into Multi Agency Risk Assessment Conference (MARAC). MARACs are meetings where information about high risk domestic abuse victims (those at risk of murder or serious harm) is shared between local agencies. By bringing all agencies together at a MARAC, a risk focused, coordinated safety plan can be drawn up to support the victim. The MARAC is organised by the Police.

Advice can be provided by the Safeguarding Adults Team in relation to the [DASH risk assessment and MARAC.](https://www.west-midlands.police.uk/services/marac/safeguarding-professionals)

## 7.8 Recording of information

The Line manager should complete the BCHC Staff Domestic Abuse Support Assessment as detailed in [Appendix 4](#_Appendix_4). This document ensures all areas relevant to the employee’s situation have been discussed and details the support, actions and workplace adjustments agreed. A date should be agreed with the employee as to when the assessment will be reviewed which should be no later than one month after the assessment is completed. The record should be stored securely.

Any decision to disclose without consent (if a member of staff is at serious risk of injury or death or there are safeguarding concerns related to a child or an adult) should be documented.

All incidents of violence, threatening behaviour or breaches of security in the workplace should be recorded and retained for evidence purposes if required. The record must be clear, accurate and include dates, times, locations, and any witnesses.

## 7.9 Human Resources Processes

Where an employee is subject to a Human Resources process such as attendance monitoring or performance management and domestic abuse is cited as a contributory factor, managers should consider temporarily pausing the process whilst further support is arranged for the employee. Consideration will be given to the timeframe for the disclosure and employees are encouraged, if they feel able and if it is relevant, to disclose any circumstances relating to domestic abuse if they are subject to a formal HR process in order that this can be taken into account and they can be offered appropriate support. Where managers are considering pausing a process due to domestic abuse being cited as a contributory factor, HR advice must be sought first.

## 7.10 Perpetrators

BCHC has a duty of care towards all their employees including those who are perpetrators of abuse. BCHC recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour. Where an employee identifies concerns relating to their own behaviour and wants to take steps to change support will be provided. An employee disclosing information about their own behaviour should be supported to contact the [Respect Phoneline](https://www.nhs.uk/live-well/getting-help-for-domestic-violence/#:~:text=If%20you%20are%20worried%20that,helpline%20on%200808%20802%204040.). Respect provide advice to men and women who are abusive towards their partners and can provide strategies for the employee to change. Respect may also be able to direct the employee to local domestic abuse prevention programme.

Domestic abuse perpetrated by staff will not be condoned under any circumstance nor will it be treated as a purely private matter. Staff should be aware that domestic abuse is a serious matter which can lead to criminal convictions. Conduct outside of work (whether or not it leads to a criminal conviction) may lead to disciplinary action being taken against a member of staff; as such conduct may undermine the confidence and trust the organisation has in them.

Where a manager becomes aware of concerns, advice should be sought from the BCHC’s Safeguarding Operational Manager or Director of Nursing & Therapies and Human Resources. This is because of the potential implications of the allegation for the employee’s suitability in their role. Consideration should also be given to the safety and wellbeing of the employee’s family members and children.

There should be a thorough investigation of facts, and consideration given as to whether the conduct is sufficiently serious to warrant instituting the organisations disciplinary procedures. The manager must refer to the BCHC Allegations or Concerns in relation to a Person in a Position of Trust Policy.

If an employee receives a conviction, caution, reprimand or any warning from the police, they must immediately disclose this to their manager and professional body (where applicable). The manager may also have a responsibility to disclose to the professional body.

**7.11 Victims and perpetrators working for BCHC**

In cases where both the victim and perpetrator of domestic abuse work for BCHC appropriate action will be taken. In addition to considering disciplinary action against the perpetrator, 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 or withdrawing the perpetrators access to certain computer programs.

Where the victim and perpetrator both work for BCHC, to ensure confidentiality, each individual should have a separate identified worker to risk assess and support. This should be a senior manager in conjunction HR Advisor.

## 7.12 Support for managers

Where a manager is supporting an employee who is either a victim or perpetrator of domestic abuse it is acknowledged that this may be challenging. A manager should not be in a position where the sole responsibility for the support of the employee rests with them alone. It is essential therefore that the manager themselves receives appropriate support though their line manager, Human Resources, Safeguarding Team and Health and [Wellbeing support](file://C:\Users\michael.loftus\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\3WFRNEGA\support%20affected%20employees%20to%20utilise%20Health%20and%20Wellbeing%20support%20mechanisms%20available%20internally%20to%20the%20Trust%20i.e.%20referral%20to%20Team%20Prevent%20or%20Trust%20Optima%20Health%20(Employee%20Assistance%20Programme)) mechanisms available internally to the Trust i.e. referral to Team Prevent or Trust Optima Health or Health support as necessary.

# Implementation

Following ratification the procedural document’s author/lead will ensure (in discussion with the Committee’s Secretary) that the document is forwarded to the Quality and Standards Assurance Team (Q&SAT). The Q&SAT will make final checks, amend the footer and forward to the Library for uploading to the intranet. Once uploaded to the intranet the Library will inform the Communication Team to ensure notification appears in the next Staff E-Newsletter.

# Duty of Candour

The Trust recognises it has a duty of candour under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20. Under this duty it has a responsibility to be open and transparent with patients, families and carers in relation to their care and treatment and has specific requirements when things go wrong. This will include informing people about any clinical incident, providing reasonable support, providing truthful information and an apology when things go wrong. If an incident occurs which involve a breach of the requirements of this policy, staff and managers should consider following the guidance set out in the Being Open incorporating Duty of Candour Policy available on the trust intranet site.

# Implications

## 10.1 Training Implications

Employees’ awareness of the safeguarding issues and responsibilities within this policy will be undertaken through both Safeguarding Induction and mandatory training.

Managers must ensure that employees are made aware of this policy, their role and responsibilities during their induction. Support for managers to understand how to support their staff who may be victims of domestic abuse is detailed in 7.12.

## 10.2 Financial Implications

There are no additional financial implications in order to implement this policy; however there may be costs in relation to any identified workplace adjustments and absences associated with Domestic Abuse.

## 10.3 Legal Implications

BCHC has a duty as an employer under the Health and Safety at Work Act 1974 to do what is reasonably practicable to ensure health and safety at work. BCHC also owes a duty of care to its employees to take reasonable steps to ensure their health, safety and wellbeing.

The Equality Act 2010 includes a public sector duty which means that BCHC must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity for protected groups; and foster good relations.

Under the Human Rights Act 1998 all public bodies have an obligation to protect the human rights of individuals and to ensure that their human rights are not being violated. Domestic abuse denies the most fundamental of human rights. Implementing an effective Domestic Abuse Support for Staff Workplace Policy will support BCHC to meet its human rights duties in relation to incidents of domestic abuse.

# Monitoring / Audit

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Element to be monitored** | **Lead** | **Tool** | **Frequency** | **Reporting arrangements** |
| Numbers of BCHC staff that disclose domestic abuse. | Lead Nurses for Safeguarding | Safeguarding Adults & Children’s Team’s recorded contact information.  Human Resources contact information. | Quarterly | To be collated by Head of Safeguarding and themes shared with Chief of Nursing and Therapies. Reported quarterly to the Safeguarding Sub–Committee for consideration with Divisional Leads. |

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## Appendix 1: Signs that someone might be experiencing domestic abuse

**Work productivity signs:**

* Change in the person’s working patterns: for example, frequent absence, lateness or needing to leave work early.
* Reduced quality and quantity of work: missing deadlines, a drop in usual performance standards.
* Change in the use of the phone/email: for example, a large number of personal calls/texts, avoiding calls or a strong reaction to calls/texts/emails.
* Spending an increased number of hours at work for no reason.

**Changes in behaviour or demeanour**

* Conduct out of character with previous employment history.
* Changes in behaviour: for example, becoming very quiet, anxious, frightened, tearful, aggressive, distracted, depressed etc.
* Isolating themselves from colleagues.
* Obsession with timekeeping.
* Secretive regarding home life.
* Worried about leaving children at home with abuser.

**Physical signs**

* Visible bruising or single or repeated injury with unlikely explanations.
* Change in the pattern or amount of make-up used.
* Change in the manner of dress: for example, clothes that do not suit the climate which may be used to hide injuries.
* Substance use/misuse.
* Fatigue/sleep disorders.

**Other signs**

* Mentioning stress at home, or refers to their partner’s anger or temper
* Unhappiness or signs of fear during pregnancy – a time when abuse often starts or escalates
* Avoiding lunch breaks or socialising outside work
* Little or no access to resources such as money, debit/credit cards or a car
* Isolation from family/friends
* Partner or ex-partner stalking employee in or around the workplace.
* Partner or ex-partner exerting unusual amount of control or demands over work schedule.
* Flowers/gifts sent to employee for no apparent reason.

## Appendix 2: Domestic Abuse Support Services

|  |  |  |
| --- | --- | --- |
| **Name**  **and Hyperlink** | **Area of expertise** | **Contact** |
| [Birmingham and Solihull Women’s Aid](https://bswaid.org/get-involved/?gad_source=1&gclid=EAIaIQobChMIkr6b_rL2hQMVY5RQBh1atw_aEAAYAiAAEgJJUPD_BwE) | Supports women and children affected by domestic abuse, rape and sexual assault. | 0808 800 0028  [www.bswaid.org](http://www.bswaid.org/) |
| [National Domestic Violence Helpline](https://www.nationaldahelpline.org.uk/) | The freephone 24-hour helpline is a national service for women experiencing domestic abuse, their family, friends, colleagues and others. | 0808 2000 247  [www.nationaldomesticviolencehelpline.org.uk/](http://www.nationaldomesticviolencehelpline.org.uk/) |
| [Rape and Sexual Violence Project (RSVP) – Birmingham](https://rsvporg.co.uk/) | Provide support to women, children and men affected by sexual violence and abuse. | 0121 643 0301  [www.rsvporg.co.uk/](http://www.rsvporg.co.uk/) |
| [Birmingham LGBT](https://blgbt.org/domestic-violence-info-for-gay-and-bisexual-men/) | Birmingham LGBT delivers independent domestic abuse advocacy and support for LGBT people in Birmingham. | 0121 643 0821  [www.blgbt.org/domestic-violence](http://www.blgbt.org/domestic-violence/) |
| [Men’s Advice Line](https://mensadviceline.org.uk/) | Men’s Advice Line is service for male victims of domestic abuse. | 0808 8010327  <https://mensadviceline.org.uk/> |
| [National LGBT Domestic Abuse Helpline](https://galop.org.uk/) | Emotional and practical support for LGBT people experiencing domestic abuse. | 0800 999 5428  [www.galop.org.uk](http://www.galop.org.uk) |
| [Refuge](https://refuge.org.uk/) | For women and children through a range of services including refuges, independent advocacy, community outreach and culturally specific services. | 0808 2000 247  [www.refuge.org.uk](http://www.refuge.org.uk) |
| [Roshni Birmingham](https://www.roshnibirmingham.org.uk/) | Support for Asian women and children who have suffered from domestic abuse and forced marriages. | 0800 953 9666  [www.roshnibirmingham.org.uk/](http://www.roshnibirmingham.org.uk/) |
| [Black Country Women's Aid](https://blackcountrywomensaid.co.uk/) | Provide a range of services and support to women experiencing domestic abuse. | 0121 553 0090  https://blackcountrywomensaid.co.uk/ |
| [Respect](https://www.respect.org.uk/) | Provide advice to men and women who are abusive towards their partners. | 0808 802 404  [www.respect.uk.net](http://www.respect.uk.net) |
| [Care first](https://carefirst-lifestyle.co.uk/)  BCHC Employee Assistance Programme  Optima Health/Trust Health support | A confidential employee assistance programme that can provide counselling, support and advice. Telephone or online service available 24 hours a day, 365 days a year. | 0800 174 319  Online: https://carefirst-lifestyle.co.uk/  Use the Trust’s login details  Username: bchcnhs  Password: trust |

## Appendix 3: Questions for you to consider in relation to workplace safety and examples of workplace adjustments

**Questions for the employee**

* Does the alleged abuser know where the employee works?
* Have they ever been followed on their way to/from work?
* Is the employee frightened of anything specific that might take place at work or to and from work?
* Does the abuser have their work email address and/or work telephone number?
* What information can be shared with the wider team or relevant staff to ensure any changes are implemented and they can deliver an appropriate response?

**Contact arrangements**

* Retain both a work contact and an emergency contact at home (not the abuser).
* Arrange in advance when and who to contact if an employee doesn’t come into work (family member/police/neighbour etc.).
* Maintain communication with the individual during any absence, while keeping their whereabouts confidential from the abuser and other agreed persons.

**Safety to and from work**

* Change the route to and from work (e.g. different bus or train time).
* Change the location of where they work or consider a transfer.
* Change the start and finish time of work hours.
* Provide a security escort to and from a car / transport links.

**Safety while at work**

* Make sure the systems for recording staff whereabouts during working hours are adequate
* Allow working in pairs at times of risk
* Offer changes in specific duties away from those such as answering phones or working in reception areas
* Consider change of locks/codes to enter the workplace.
* Consider a personal or workstation alarm.
* Consider an alternative entrance to, or exit from the workplace.
* Consider screening access to the workplace. If possible and required, enable reception/security to identify the abuser (photo, car registration), and advise them on what to do if the abuser arrives at the workplace.

**Communication safety**

* Review the security of all employee records and personal information.
* Change email addresses/work phone number or divert incoming phone calls and emails.
* Issue instructions to all staff notto reveal the employee’s personal details or their whereabouts to anyone, including family members.

**Managing responsibilities at work**

* Consider flexible working or changing work patterns.
* Adjust workload (extend deadlines, reassign responsibilities).
* Consider additional support /supervision/debriefing sessions.
* Provide special leave or time off during the day to attend appointments or court.

## Appendix 4: BCHC Staff Domestic Abuse Support Assessment

Where an employee discloses they are experiencing domestic abuse the following assessment should be completed by the manager as part of a supportive discussion.

**Employee’s Name: ­­­­­­­­­­­ Date:**

**Manager’s Name:**

|  |  |  |  |
| --- | --- | --- | --- |
| **It is important to explain that the purpose of asking these questions is to ensure the safety and support of the employee and any other individuals involved.** | **Yes** | **No** | **Comment** |
| **Immediate concerns**  If there has been a recent incident have you discussed with the employee:   * Whether medical attention is needed * Whether they wish to report it to the police.   Has the employee been advised if they are in immediate danger to contact the Police? |  |  |  |
| **Specialist Domestic Abuse services**  Has the employee been made aware of the support available through specialist domestic abuse services?  Has the employee been encouraged to make a Safety Plan?  Have you offered to refer or signpost the employee to a domestic abuse helpline, web resource or external specialist domestic abuse service? |  |  |  |
| **Workplace adjustments**  Have you discussed workplace adjustments with the employee?  Would it support the employee to have a temporary / permanent change to their work base, hours of work or work pattern?  Have you contacted Human Resources?  What has been agreed? |  |  |  |
| **Workplace Safety**  Is it possible that the perpetrator of the abuse may turn up at the work place?  If so, has there been a review of the security arrangements:   * Reception / Hospital Security notified. * Door code access numbers changed if necessary. * Work contact numbers changed. * Car park security & employee’s travel arrangements. * Alert staff (if necessary & with employee’s permission).   Detail the arrangements to record the employee’s whereabouts during the day.  Have you discussed an emergency contact number for a trusted friend or family member should the employee not attend work?   * Name of alternative emergency contact and/or telephone number. |  |  |  |
| **Risks to children or other adults**  Have you asked the employee whether they have children or live with an adult who has care and support needs?  Have you made the employee aware that a disclosure may have to be made and if so what this means for their own welfare and safety.  Have you contacted the BCHC Safeguarding Team for advice?  Has a referral been made to the relevant Local authority Children’s Service and/or Adult Social care service? |  |  |  |
| **Support for employee**  Have you made the employee aware that they can self-refer to the Employee Assistance Scheme CareFirst for support & access to counselling services? |  |  |  |
| **DASH Risk Checklist**  Have you completed a DASH risk checklist?  What was the score?  Does the employee meet the criteria for a referral to MARAC: DASH 14 ticks or more / or professional judgement?  If you have not completed a DASH risk checklist give reason. |  |  |  |
| **Other relevant information discussed with the employee** |  |  |  |
| **Date agreed for review** |  |  | **Add updated information following review** |

## Appendix 5: Guide for Managers: Domestic Abuse & BCHC Staff

Birmingham Community Healthcare NHS Foundation Trust is committed to ensuring the safety and wellbeing of their employees and that work is a safe space for people experiencing domestic *abuse*. This guide is for Managers where there are concerns relating to a Staff Member is experiencing domestic abuse. The guide details the steps that you can take as a Manager to support the Staff Member and where you can seek additional advice and support. Further information is detailed in the *BCHC Domestic Abuse Support for Staff Workforce Policy*.

**What is Domestic Abuse?**

The Domestic Abuse Act 2021 created a statutory definition of domestic abuse. Anybody over 16 can be a victim and includes partners, ex-partners and family members. Domestic abuse is not just physical or sexual abuse, but can also be emotional abuse, coercive or controlling behaviour, and economic abuse.

**Who is affected?**

Figures show that 1 in 4 women and 1 in 6/7 men experience domestic abuse in their lifetime. Anyone can be the victim of domestic abuse. It can happen to people from all social backgrounds, education levels, nationalities or religion. Domestic abuse is indiscriminate of age, ability level, sexual orientation, employment status, lifestyle or relationship with the abuser.

**Recognising signs of domestic abuse in the workplace**

Everyone should be alert to the possibility that a colleague may be experiencing domestic abuse. Signs can include:

* frequent lateness to work
* absenteeism without explanation or frequent periods of annual leave taken at short notice.
* repeated injuries or unexplained bruising or explanations that do not fit the injuries.
* mentioning stress at home, or refers to their partner’s anger or temper
* being depressed, anxious, distracted or having trouble concentrating.
* changes in the quality of work performance for no apparent reason.
* unhappiness or signs of fear during pregnancy – a time when abuse often starts or escalates.
* receiving repeated upsetting calls or e-mails or being a victim of vandalism or threats.
* avoiding lunch breaks or socialising outside work
* isolation from friends, relatives or colleagues
* needing time off for appointments
* the employee who has little or no access to resources such as money, debit/credit cards or a car

**What you can do as a Manager if you are concerned a Staff Member is experiencing domestic abuse**

If you have concerns that issues relating to domestic abuse may be having an impact or there are suspicions, consider asking the Staff Member questions in order to ensure the employee is fully supported. Barriers to disclosure are emotional (e.g., fear, embarrassment, shame and self-blame), physical (e.g., partner’s physical presence, controlling behaviour, and manipulation of professionals) and organisational (e.g., appropriateness of setting and time for disclosure). Facilitators to disclosure are interpersonal relations, safety, and validation.

Ensure any discussions with the Staff Member in the workplace are in a private and safe space.

* How are you feeling at the moment? Are there any issues you would like to discuss with me?
* I have noticed recently that you are not yourself. Is anything the matter?
* Are there any problems or reasons that may be contributing to your frequent sickness absence / under-performance at work?
* Is everything all right at home?
* You’ve mentioned that you’re scared of your partner. Would you like to tell me more about that?
* I want to ensure you are safe at work and offer you confidential support. Have you ever been emotionally or physically hurt by your partner, ex-partner or a family member?

It is very important that the staff member knows there is help and support available.Employees should not be pressurised into a specific course of action but supported in taking the action they consider most appropriate. Ensure that you:

* Listen and believe what the person is saying. Be sensitive and non-judgemental.
* Validate what they are telling you. e.g. ‘I’m really glad you told me’, ‘this is not your fault’, ‘you do not deserve this’, ‘you are not alone'.
* Never blame the employee for the abuse or excuse the perpetrator’s behaviour or ask them why they have not left or tell them to leave.
* Be aware that there may be additional difficulties faced by the employee because of age, sex, transgender, sexual orientation, ethnic background, religion/beliefs, disability, pregnancy, or marriage or civil partnership, and respond to these appropriately and sensitively.

**Steps to take following a disclosure**

It is likely that it will take a significant amount of courage for a Staff Member to disclose issues relating to domestic abuse with you as their Manager, therefore the maintenance of trust and confidentiality is crucial to help support the situation. It will however be necessary to inform others where there are safeguarding concerns related to children or adults or where the person is at high risk of serious harm or murder from domestic abuse.

* Ask the Staff Member what they need and be guided by them. They are always the expert in their own life. It is important to be patient and allow them to set the pace.
* Discuss the specific steps that can be taken to help this person stay safe in the workplace. Consider contact with Human Resources if changes needed.
* Provide contact details of Domestic Abuse Services so the Staff Member is aware of the support available through specialist agencies. Allow the Staff Member to use a safe and secure space at work to contact a service.
* Support affected employees to utilise support mechanisms available internally to the Trust i.e. referral for [Health and Wellbeing](file://C:\Users\michael.loftus\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\3WFRNEGA\support%20affected%20employees%20to%20utilise%20Health%20and%20Wellbeing%20support%20mechanisms%20available%20internally%20to%20the%20Trust%20i.e.%20referral%20to%20Team%20Prevent%20or%20Trust%20Optima%20Health%20(Employee%20Assistance%20Programme)) support mechanisms available internally to the Trust i.e. referral to Optima Health (Employee Assistance Programme) Trust Health support as an example.
* Ask the employee whether they have children or live with an adult who has care and support needs. This is important as if there is a safeguarding risk to a child or adult then concerns will have to be reported to the relevant local authority children’s services or adult social care services.
* Advise the Staff Member if they are in immediate danger that they contact the Police by calling 999.
* Inform the Staff Member that contact will be made with the BCHC Safeguarding Team and Divisional Safeguarding Lead to share information and to seek additional support and advice.
* The *BCHC Domestic Abuse Support for Staff Workforce Policy* provides additional information and includes in Appendix 4 a *Staff Domestic Abuse Support Assessment*. This should be completed by you as Manager as part of a supportive discussion with the Staff Member to ensure all relevant factors have been considered.

**Risk in domestic abuse situations**

* Risk in domestic abuse situations is dynamic and can change very quickly. In a small number of cases, victims may be at high risk of serious harm or murder from domestic abuse.
* The Domestic Abuse, Stalking, and Honour-based violence (DASH) risk checklist provides a consistent and simple to use tool to identify those people who are at high risk of harm and whose cases should be referred to a Multi-Agency Risk Assessment Conference (MARAC) meetings in order to manage the risk. The Safeguarding Team will provide advice and support to Managers with regards to the use of the DASH risk checklist.

**Advice & Support for Managers**

Advice and support for Managers is available from the Safeguarding Team where a Staff Member is experiencing abuse and also where there are concerns regarding the risks related to a child or adult with care and support needs. The Safeguarding Team can be contacted on 0121 466 7118. When a Manager contacts the Safeguarding Team they will be offered a Microsoft Teams meeting at a convenient time with a Safeguarding Adults and Childrens Practitioner where Think Family concerns are identified.

**Specialist Domestic Abuse Services**

Getting the best possible advice and support is important:

* Birmingham & Solihull Women’s Aid: 0808 800 0028
* National Domestic Abuse Helpline: 0808 2000 247
* Men’s Advice Line: 0808 801 0327
* National LGBT+ Domestic Abuse Helpline: 0800 999 5428
* In an emergency call the Police: 999

**What to do if you are concerned a colleague is experiencing domestic abuse**

|  |  |  |  |
| --- | --- | --- | --- |
| **Recognise** | **Respond** | **Refer** | **Record** |
| A change in behaviour, frequent absences, lateness, distracted, anxious, physical signs. | Start the conversation.  Listen and believe what the person is saying.  Be sensitive and  non-judgemental. | Support the employee to contact a specialist domestic abuse service.  Contact the Safeguarding Team for advice and support. | As part of a supportive discussion with the  Staff Member complete the  ***Staff Domestic Abuse Support Assessment***  (Appendix 4  BCHC Domestic Abuse Support for Staff Workforce Policy)  . |

**For more information: Domestic Abuse Support for Staff Workforce Policy**

The Domestic Abuse Support for Staff Workforce Policy provides information to ensure that victims of domestic abuse are aware of the support that is available within BCHC. It also provides guidance to line managers when supporting staff who are affected by domestic abuse or are perpetrators of domestic abuse.

<http://nww.bhamcommunity.nhs.uk/policies/?entryid18=65882&char=D>