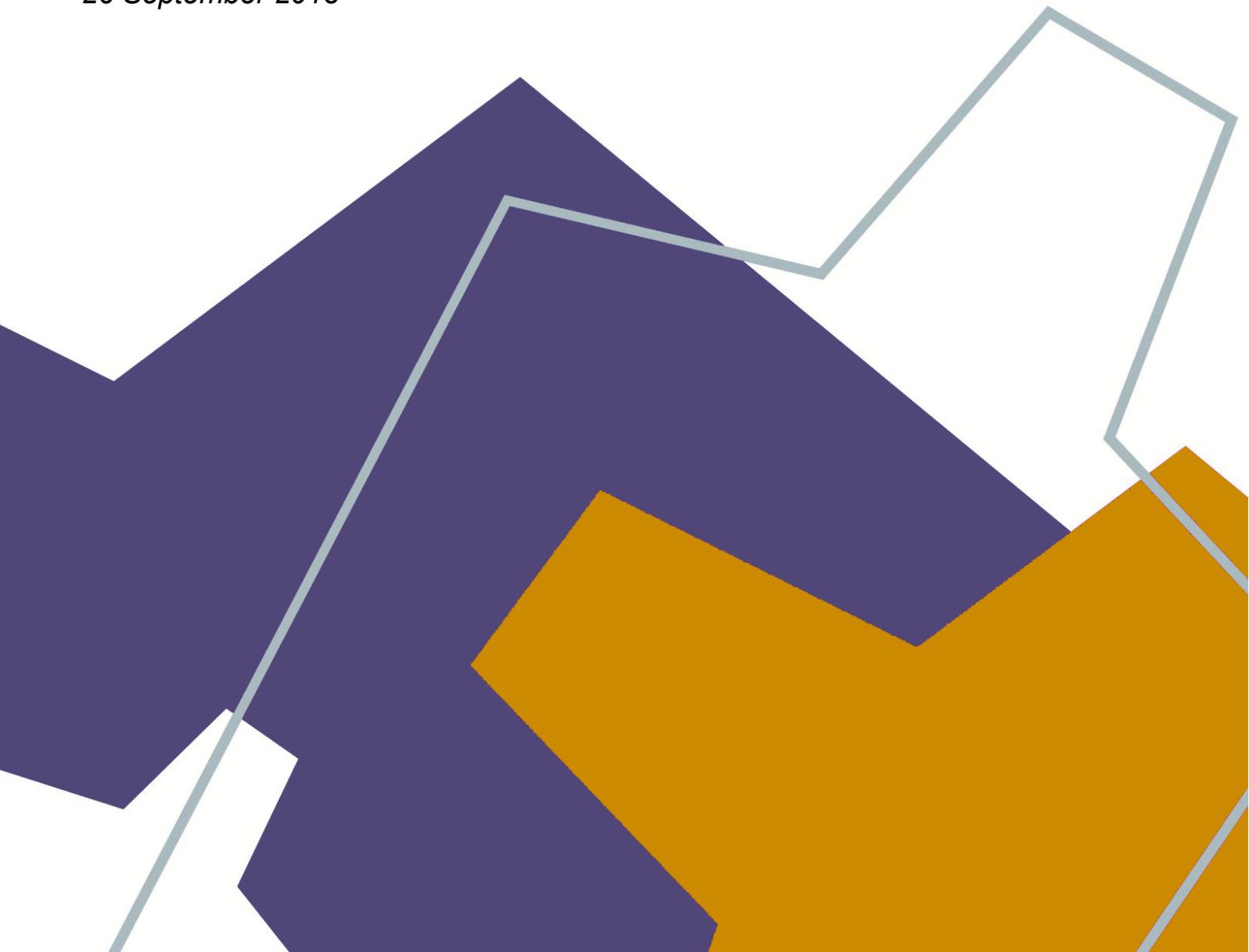




The Scottish Parliament
Pàrlamaid na h-Alba

Domestic Abuse—Guidance for Managers

26 September 2018



Domestic Abuse—Guidance for Managers

Please note that the Crucial Conversations course which is available to all line managers uses a scenario based around this sensitive subject as an aid to skills development and practice.

What is domestic abuse?

1. The term 'domestic abuse' refers to all forms of physical, sexual, psychological and emotional abuse perpetrated within intimate or family relationships and where there are shared living arrangements. It can begin to occur at any stage in a relationship and often continues after a relationship has ended. It is typically characterised by the exercise of control by one individual over another and a misuse of power. The ability of a victim of domestic abuse to live his or her life as he or she would wish and without fear is restricted.

Examples of domestic abuse include:

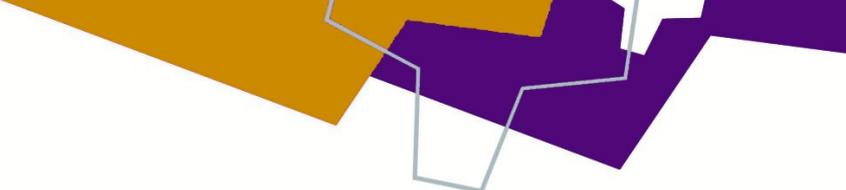
- Physical Abuse – slapping, punching, pushing, stabbing, striking with items, murder or attempted murder;
- Psychological and Emotional Abuse – causing fear or terror, distorting reality by alternating charm with rage, emotional blackmail, isolation from social contact, persistent verbal abuse and destructive criticism which undermines self-confidence, stalking and threats to the victim and/or his or her children or other close family members, friends or pets;
- Sexual Abuse - sexual assault, rape;
- Other forms of abuse – destruction of property and/or belongings, controlling access to children and/or money and/or belongings.

3. Domestic abuse is a very serious matter which can have a severe and often long-term impact on the lives of its victims. Abuse can result in long-term damage to an individual's physical and emotional well-being, ability to support him or herself and rebuild his or her life. Its potential consequences include mental health difficulties, disfigurement, disability and even death. A common emotional impact of domestic abuse is that the victim ends up blaming him or herself for the behaviour of the person perpetrating abuse and thinking that he or she 'deserved' it. The nature of domestic abuse is such that it tends to be hidden and many victims suffer in silence, however, it may impact on aspects of a victim's life outwith their domestic arrangements, including his or her work.

4. Domestic abuse can occur as an isolated incident but very often, it will recur and become a pattern of behaviour and its severity may escalate in time. Children are often affected by domestic abuse, directly or indirectly and concern for their wellbeing will also impact on the victim.

Domestic abuse is an issue which relates to an individual's personal life. Why is it being considered as a workplace issue?

5. It is not entirely realistic to expect a colleague to completely leave his or her personal life at the door when he or she comes into work. The severity of the consequences of domestic abuse means that it may impact on the victim in the workplace and his or her conduct, attendance, timekeeping and/or performance may suffer as a result. In our role as employer, we would wish to support staff in anyway that we reasonably can. Providing an appropriate level of support can help to ensure that the potential adverse impact of domestic abuse on the colleague's work is minimised and can also assist in retaining good staff by reinforcing loyalty and respect for the organisation.



6. Domestic abuse is very common. It is estimated that 1 in 4 women and 1 in 6 men will be a victim of domestic abuse in the course of their lifetime and given the volume of the general population likely to be affected, there is a possibility that some members of our workforce may currently be experiencing some form of abuse or may do so in future.

7. You should bear in mind that for some victims of domestic abuse, work may be his or her only 'safe haven' and a refuge from the events occurring in his or her personal life. Work may be the only place where the individual feels able to seek assistance to help him or her manage the situation and therefore support and understanding from the organisation is highly important.

8. There is also the potential that the person accused of domestic abuse may seek to continue his or her abuse by targeting the victim as he or she journeys to and from work or when he or she is within the workplace, for example, through abusive phone calls, emails or in person. In some cases, the person alleged to be carrying out the abuse may also work within the Parliament building. We have a duty under the [Health and Safety at Work Act 1974](#) to ensure as far as reasonably practicable the health, safety and welfare of staff in the workplace. Ensuring the safety in the workplace of a colleague who reports he or she is experiencing domestic abuse and the safety of his or her colleagues should be given prime consideration in such circumstances. The [Management of Health and Safety at Work Regulations 1999](#) require us to assess the risks to the health and safety of staff whilst they are at work and make arrangements for their health and safety. If the safety of the affected individual and/or colleagues could be compromised within existing arrangements, alternative options for managing the situation must be considered and implemented.

Who is typically affected by domestic abuse?

9. Domestic abuse knows no boundaries. Any individual can become a victim of domestic abuse – regardless of gender, age, disability, race, religion or belief, sexual orientation, relationship status or job role and it is important to recognise this.

10. Notwithstanding this, current research indicates that particular groups can be more vulnerable to domestic abuse. Domestic abuse is predominantly perpetrated by men against women and as such, it has been highlighted as a gender issue by the Equality and Human Rights Commission. In recognition of this, the SPCB has incorporated the action we intend to take to formalise the support we can offer staff affected by domestic abuse into our Gender Equality Scheme. A disproportionately large number of reported cases of domestic abuse occur whilst a woman is pregnant and the Parent Mentor Scheme can provide information on specialist sources of support in such circumstances. Women and men with disabilities are more vulnerable to domestic abuse and there is a higher incidence of domestic abuse reported in same-sex partnerships than is the case with heterosexual relationships.

Are there any particular signs that indicate a colleague may be experiencing domestic abuse?

11. There are signs which may indicate that a colleague is experiencing domestic abuse but could also be symptoms of other issues affecting the individual. As good practice, any concerns regarding a colleague should be explored (with the assistance of a representative from Human Resources) with the individual affected. This list is indicative and is not intended to be exhaustive:

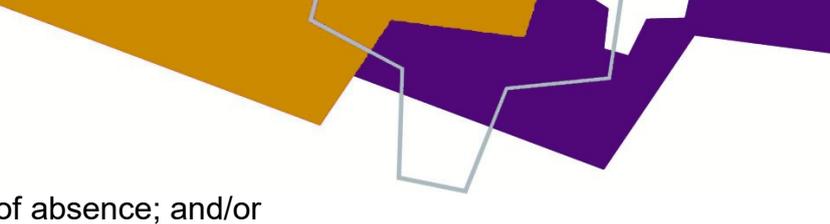
uncharacteristic behaviour;

changes in quality of performance;

anxiety and depression;

exhaustion/fatigue;

unexplained bruising/injuries (although it should be borne in mind that physical abuse will not always leave visible marks);



poor timekeeping without sufficient explanation;
high level of absence and/or particular patterns of absence; and/or
increased hours of work with no viable explanation.

What should I do if I am concerned?

12. You may become concerned that a colleague may be experiencing domestic abuse or a colleague may express concerns of this nature to you. It is less likely that the victim will personally approach you directly to advise you of his or her situation but it could happen. You are not expected to be an expert in domestic abuse but you are expected to provide a level of support that is reasonably practicable. You should always seek advice from the Human Resources Office which will guide you as to how you should proceed in this difficult circumstance, by, for example, opening discussions with the colleague.

Raising the Issue:

In consultation with a representative from Human Resources, arrange to meet the colleague in private – allow plenty time for discussion;

Explain that you are concerned that he or she might be experiencing some difficulties and outline the reasons for your concern;

Offer the opportunity to talk through the situation with you but do not pressurise your colleague to provide you with more information than he or she is willing to provide;

Recognise that your colleague may not be willing to discuss his or her personal situation with you, perhaps due to fear or a wish to avoid having to confront the issue so ensure that he or she is comfortable having the discussion. In such circumstances, you should be advised by a representative from Human Resources who may suggest a third party such as our [Confidential Counselling and Information Service](#) (Freephone: 0800 174 319) or a Trade Union representative. If the colleague does not wish to discuss the situation at all, you should simply make him or her aware of the support mechanisms available.

Discussing the Situation:

If you feel hesitant about discussing the situation, a representative from Human Resources will be happy to accompany you in this process.

Be aware that the colleague is likely to feel embarrassed, ashamed and perhaps even guilty if the person accused of the abuse has led the colleague affected to believe that the abuse is ‘deserved’;

Assure the colleague that you will maintain his or her confidentiality as far as possible, However, you may have to disclose information to relevant third parties on a strictly need-to-know basis. For example, this may be in order to protect the safety and wellbeing at work of the member of staff and other colleagues or if you become aware that a child or vulnerable adult is experiencing or is at risk of abuse. In such circumstances, you should seek advice from the Human Resources Office before making contact with a third party and agree an appropriate form of words for disclosure with the affected colleague;

Considering Reasonable Support:

With the assistance of a representative from Human Resources, you should consider the support you can reasonably provide to the affected member of staff.

Explore the impact the situation is having on the colleague in order that you can understand the implications for work including any risks to his or her safety in the workplace and the practical support you can provide;

Explore the range of support options which are available with the colleague and in doing so, take account of any additional issues making the situation difficult for the colleague, for example, gender,



caring responsibilities, disability, pregnancy, cultural and/or religious beliefs, sexual orientation, age, etc.

As advised by a representative from Human Resources, suggest a referral for professional support from experts who are qualified to provide advice on domestic abuse, for example, through the [Confidential Counselling and Information Service](#) (Freephone: 0800 174 319);

It will be for your colleague to decide which support options are appropriate – he or she knows the situation and the person accused of the abuse better than anyone; and

Agree with your colleague what information, if any, should be given to other colleagues on a strictly need-to-know basis and ensure that you observe this.

It may not be feasible to cover all these points in one meeting and you should take account of the particular individual circumstances in determining if it is more appropriate to cover matters over the course of several discussions.

What support can I put in place?

13. The support options to be considered will be informed by the particular circumstances of the case and advice should always be sought from the Human Resources Office. Support offered could include:

Suggesting that your colleague makes use of the [Confidential Counselling and Information Service](#) (Freephone: 0800 174 319) and/or seeks support through his or her Trade Union representative;

Making your colleague aware of the details of relevant support networks which are available on the [Health and Wellbeing pages](#) – this may include his or her GP, the Police Family Protection Unit, Social Services and/or the Citizen's Advice Bureau; and

Seeking support from the on-site Police unit and the Security Office. This matter should always be the subject of discussion with a representative from Human Resources first.

A range of other support options may be appropriate and a representative from Human Resources will provide advice and guidance informed by the individual circumstances of the case.

Can I grant Special Leave to a colleague who is experiencing domestic abuse as means of supporting him or her in managing the situation?

14. Yes. You should consider any such request sympathetically and within the scope of the SPCB's Special Leave Policy. Such requests may be granted with pay if the colleague experiences 'a life event outwith his or her control which necessitates his or her immediate personal attention'.

15. Your colleague may require time off in the course of the working day for example, to meet with support agencies or solicitors or to arrange alternative housing or childcare. This should normally be managed through use of the flexible working hours system or annual leave. Where neither option is feasible, Special Leave without pay may be granted.

What are the limits of my role?

16. As a line manager, you have professional responsibilities to provide staff with a level of support which is reasonably practicable. You will have had the opportunity to attend the Crucial Conversations course which uses a scenario based around this subject as an aid to skill development and practice. However, you might find it highly beneficial to liaise very closely with the Human Resources Office. In particular, you should seek advice from the Human Resources Office if you are uncertain as to the limits of your role in spite of the advice set out in Paragraphs 17-18.



17. It is very important that you are clear as to the boundaries of your responsibilities as a manager in dealing with members of staff affected by domestic abuse and that you act within these limits. There is a fine line between taking an interest in an individual's professional and personal lives and supporting him/her in handling domestic abuse. There is a risk that you may cross that line and this could result in risks to you, the colleague affected by the abuse and the organisation. Your obligation to provide support is a professional commitment rather than a personal one. You should avoid becoming involved on a personal level in the individual's situation as you could potentially exacerbate matters and you could even put yourself at risk. You need to handle these matters with great sensitivity and be very aware of the particular circumstances of the case to inform the support you can provide from a professional perspective.

18. You should not attempt to provide counselling even if you are qualified to do so. The colleague ultimately has to determine how to manage his or her personal situation. Your role is to make him or her aware of the various support mechanisms available. Be guided by the colleague as to what workplace support is appropriate to his or her situation. Where you have agreed with the colleague that certain other colleagues should be informed of the situation, you should advise those other colleagues that they too should avoid becoming personally involved in the situation and should not put themselves at risk.

19. Should you find dealing with the situation causes you upset or distress, please remember that you may also seek personal support from the [Confidential Counselling and Information Service](#) (Freephone: 0800 174 319).

How should I deal with situations where domestic abuse impacts adversely on a colleague's conduct, performance and/or attendance at work?

20. If, in spite of the application of supportive measures, a colleague's conduct, performance and/or attendance at work is adversely affected over a prolonged period of time, action will ultimately need to be taken in accordance with the appropriate procedures – [Discipline](#), [Improving Performance](#) or [Unacceptable Attendance](#). These procedures should be applied sensitively and all aspects of an individual's situation taken into account.

What if the victim of domestic abuse comes under threat from the person accused of the abuse whilst at work or leaving/entering the building?

21. A victim of domestic abuse could be targeted by the person accused of the abuse whilst in the workplace, for example, through harassing phone calls and/or emails. The person accused of the abuse may also attempt to access the victim inside the building or be waiting outside for the victim to arrive or leave.

22. You should seek advice from the Human Resources Office and record any incidents of abuse in the workplace including phone calls, email or visits by the person accused of abuse and note any witnesses to these incidents. These records may be used should charges be pressed or if an application for a legal remedy such as an exclusion order, interdict or non-harassment order is made. Any immediate violence or threat of violence in the workplace should be reported immediately to the onsite Police unit and the Security Office.

What if a member of my staff is a person accused of domestic abuse?

23. A colleague may confide in you that he or she is experiencing difficulties which have led to him or her perpetrating domestic abuse. In such circumstances you should seek advice from the Human Resources Office. If he or she wishes to change his or her behaviour, you should refer him or her to appropriate sources of support (some of these are listed under the Policy Statement). There are various support agencies whose work involves supporting perpetrators of domestic abuse to take responsibility for their behaviour and to address this. You should recognise an individual's courage in making such a disclosure and in seeking support to deal with the matter.



24. Although support should be offered, it is acknowledged that domestic abuse is a serious matter which may lead to criminal proceedings. In accordance with the [Disciplinary Policy](#), conduct outwith work can lead to disciplinary action because of its potential implications on a colleague's employment with the SPCB. Whilst the responsibility for disciplinary action remains with the line manager under the re-aligned procedures, an investigation which may involve police action or criminal procedures should be undertaken by a representative from Human Resources. Account will be taken of:

- The nature of the alleged or proven conduct;
- The nature of the work undertaken by the colleague; and
- The extent to which the role involves contact with other members of staff, the public and/or vulnerable client groups.

25. Certain conduct may make certain job roles inappropriate and could therefore justify consideration for redeployment. You should always seek advice on how to proceed in these circumstances from the Human Resources Office.

26. If a colleague is alleged to be carrying out abuse during working time, for example, using work resources such as telephone or email, this has the potential to bring the SPCB into disrepute and may be regarded as gross misconduct. The [Disciplinary Policy](#) should be invoked.

What if both the victim and the person accused of abuse work in the building?

27. Such a situation necessitates particular consideration and attention and you should seek advice immediately from the Human Resources Office which will provide you with detailed guidance informed by the specific circumstances of the case.

28. It is important to recognise that one of the parties, the victim or the person accused of abuse, may not be directly employed by the SPCB but may nonetheless be based in the Parliament building in fulfilling his or her duties of work. The individual may be, for example, an agency worker, a contractor, or other regular user of the Parliamentary campus. Although the SPCB owes a higher duty of care to its directly employed staff, it nonetheless owes a duty of care to all occupants of the building and must act to ensure their safety at work. In accordance with the [Dignity at Work Policy](#), the SPCB expects all occupants of the building to treat others with courtesy and respect and will treat any allegations of bullying and/or harassment seriously.

29. In circumstances where both parties are based in the building, the line manager of the alleged victim should carry out such investigation as he or she reasonably can in the circumstances. Advice from, or direct involvement of, the Human Resources Office should be sought. The investigation should focus on gathering facts and establishing whether abuse has occurred during working time and/or has been perpetrated through use of work resources. There will be difficulties where the person accused of domestic abuse is not within your authority as a line manager and may not even be employed directly by the SPCB. In such circumstances, you must consult and be advised by the Human Resources Office in taking the matter forward.

30. If there is evidence that abuse is being perpetrated in working time and/or through use of work resources, the formal stages of the [Disciplinary Procedure](#) should be immediately invoked in the case where the person accused of abuse is a member of SPCB staff. As is the case in a normal disciplinary case, a representative from the Human Resources Office will undertake any disciplinary investigation and provide procedural advice. Where the person accused of abuse is not directly employed by the SPCB, the Human Resources Office will advise you on what steps may be required to involve the individual's employer in taking appropriate action.

Information and Guidance

31. Further information, support and advice is available; details over page.

Domestic Abuse—Sources of Support and Guidance

Confidential Counselling and Information Service (Carefirst)

- A free and confidential counselling and information service for all MSPs, their staff and Parliamentary staff

Tel: 0800 174 319

The Mankind Initiative

- a charity that provides a help-line service for male victims of domestic abuse

Tel: 01823 334244

Men's Advice Line

- provides a range of services aimed at men experiencing domestic abuse from their partner.

Tel: 0808 801 0327

National Domestic Violence Helpline

- a national service for women experiencing domestic violence, their family, friends, colleagues and others calling on their behalf.

Tel: 0808 200 0247

Rape Crisis Scotland

- provides a national rape crisis helpline for anyone affected by sexual violence

Tel: 08088 01 03 02

Refuge

- a national charity for women and children experiencing domestic violence

Tel: 0808 2000 247

Respect

- provides support to perpetrators of domestic abuse to help change behaviour

Tel: 0845 122 8609

Samaritans

- provides confidential non-judgemental emotional support, 24 hours a day for people who are experiencing feelings of distress or despair, including those which could lead to suicide.

Tel: 08457 90 90 90

Scottish Women's Aid

- works towards the prevention of domestic abuse

Tel: 0800 027 1234

Victim Support Scotland

- provides emotional support, practical help and essential information to victims, witnesses and others affected by crime.

Tel: 0131 668 4486

Zero Tolerance

- An organisation promoting innovative policy and practice that tackle the root causes of male violence against women and children.

Tel: 0131 624 8955

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For further information contact:

HumanResources@parliament.scot

0131 348 6500

