

Gender Based Violence

Guidance for Managers supporting employees experiencing
gender based violence

1. INTRODUCTION

Gender Based Violence (GBV) affects the lives of too many people not only in North Lanarkshire but in Scotland and across the world.

Work to address the causes and consequences of GBV is necessary to achieve Scotland's national outcomes:

1. We live our lives safe from crime, disorder and danger.
2. We have tackled significant inequalities in Scottish society.
3. We have improved the life chances for children, young people and families at risk.
4. Our children have the best start in life and are ready to succeed.
5. We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.

At a local level the Council has set out its commitment within the Equality Strategy 2013-18 to work towards North Lanarkshire being an area where "people live and learn in our communities free from discrimination, harassment, victimisation, violence and abuse" thus contributing to local issues as well as the national agenda.

North Lanarkshire Council recognises that its employees will be amongst those affected by GBV including survivors of domestic abuse, rape and sexual assault or those who have been impacted by commercial sexual exploitation.

We are committed to developing a workplace culture in which there is a zero tolerance for violence and which recognises that the responsibility for GBV lies with the perpetrator. North Lanarkshire Council is committed to ensuring that any employee who is a victim has the right to raise the issue with their employer in the knowledge that they will receive appropriate support and assistance. This guidance is designed to be a resource for managers supporting employees experiencing gender based violence. It was written to complement existing Council strategy, priorities and policy and is consistent with best practice.

What is gender based violence?

Gender-Based Violence is an umbrella term that encompasses a spectrum of abuse experienced mostly by women and perpetrated mainly by men including: domestic abuse, rape and sexual assault, childhood sexual abuse, sexual harassment, stalking, commercial sexual exploitation and harmful traditional practices such as female genital mutilation, forced marriage and so called "honour" crimes.

Although primarily experienced by women, the guidance recognises that men too can experience gender based violence. **Appendix 1** details definitions of Gender Based Violence

2. AIMS OF THIS GUIDANCE

The aim of this guidance is to:

1. Raise awareness of GBV as a serious health and social issue, highlighting its hidden nature and the impact on those affected by it.
2. Provide guidance and support to all employees of North Lanarkshire Council who are experiencing GBV in their personal lives – whether as a victim or perpetrator.
3. Reinforce that North Lanarkshire Council is committed to the principle that GBV and abuse is wrong and that everyone has a right to live free from fear and abuse.
4. Send a positive message to employees with experience of GBV that they will be listened to and supported.
5. Project a clear signal that the actions of employees who perpetrate GBV, within or outside the workplace, is unacceptable.
6. Provide guidance for addressing the behaviour of employees who may be perpetrators of abuse and who may pose a risk to other employees or service users within the context of their work.
7. Clarify the scope for managers to interpret and apply provisions within existing policies when responding to GBV - see section 5 P.10.
8. Create a potential cost benefit for North Lanarkshire Council, by contributing to the reduction of absence related costs and increased productivity
9. Improve the organisation's reputation by formally recognising and responding to gender based violence as a serious workplace issue.

3. BACKGROUND AND DRIVERS FOR GBV GUIDANCE

GBV is an issue not just for employees but for the Council

North Lanarkshire Council is the biggest employer in North Lanarkshire with a workforce of just under 15,000 employees, 76% of whom are women. Statistics suggest that between one in three and one in five women experiences some form of domestic abuse in the course of their lifetime. This therefore means there is the potential that 3,000 of our employees have experience of some form of abuse, past or current.

The Council has a duty of care towards its employees meaning that we need to deal with issues surrounding workplace stress. We should also exercise this duty even where the cause of stress is in someone's private life

Statistics also show that GBV can have an impact on attendance, productivity and performance. Whether it takes place within or outside of the workplace, the employment implications for employees who experience abuse are significant. It can have a detrimental impact on health and well-being, which may affect attendance, performance and productivity.

Given the size of our workforce it is further recognised that a number of our employees will be perpetrators of GBV. Allegations made against employees

could have potential implications for their employment role and could breach organisational and professional codes of conduct.

Financial impact

GBV not only impacts on employees' ability to provide and care for themselves and their families, but it also affects the financial strength and success of the organisations they work for.

The estimated cost to businesses across the UK in terms of lost productivity, absenteeism, legal and medical costs and police costs is £2.72billion

The effects of GBV are associated with many direct and indirect costs including:

- decreased productivity
- absenteeism
- errors
- increased employee turnover

In many cases the abuse can spill out of the home and into the workplace.

- 56% of abused women arrive late for work at least 5 times a month
- 28% leave early at least 5 days a month
- 53% miss at least 3 days of work a month
- Once a person leaves an abusive partner they are especially vulnerable at work, as it may be the only place they can be located or harmed
- 75% of domestic abuse victims are targeted at work - from harassing phone calls and abusive partners arriving at the office unannounced, to physical assaults

Research shows that:

- 1 in 10 staff experience domestic abuse or violence in any one year
- 98% of domestic abuse survivors said that the abuse affected their ability to perform their work duties

GBV also affects other staff that may:

- have to fill in for absent or non-productive colleagues
- feel resentful of victims needing time off or receiving extra attention
- try to "protect" victims from unwanted phone calls and visits
- be completely unaware of how to intervene, often feeling helpless and distracted from their work
- fear for their own safety
- hear and/ or take part in gossip and rumours

GBV is a security issue.

Employers who fail to protect their employees from violence (e.g. stalking and harassment via text, telephone, email and in person visits) at work may be liable as we have a duty of care towards our employees. Post separation abuse and stalking are common features of an abusive relationship.

Employees who are abusers may use employers' resources such as telephone, email and company vehicles to make threats and stalk their victim.

Legislation

The Equality Act 2010 and its associated public sector duties compel public bodies to be proactive when carrying out their functions to the promotion of equality. One of these duties is the requirement to foster good relations between people who share a protected characteristic and those who do not.

Given the disproportionate impact on women and girls, GBV is one of the most sensitive indicators of gender equality. As such, implementation of this guidance will assist North Lanarkshire Council to meet its legislative obligations to promote equality under the Equality Act 2010.

As well as being rooted in gender inequality, GBV cuts across boundaries of ethnicity, age, disability, sexual orientation, religion and belief. This guidance will therefore also contribute to North Lanarkshire Council's legal requirements in relation to these other aspects of the Equality Act 2010.

European Convention of Human Rights

Article 3 of the European Convention of Human Rights and Article 5 of the Universal Declaration of Human Rights state:

“No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”

North Lanarkshire Council is obliged to act in accordance with the European Convention of Human Rights. This means that we will promote human rights and take them into account in our day to day work

4. OUR APPROACH TO DISCLOSURES GBV

Identification of the problem at work

Whilst it is for the individual themselves to recognise they are a victim of GBV, there are signs which may indicate an employee may be a victim. These may include;

- The member of staff may confide in their colleagues/manager.
- Staff may inform their manager that a colleague is suffering from domestic abuse.
- There may be obvious effects of physical abuse (it is important not to make assumptions).
- It may come to light as a result of enquiries into a drop in performance or a significant change in behaviour.
- It may reveal itself as the background to poor attendance or presenteeism – where victims prefer to be at work rather than at home.

It is essential to understand that any of the above may arise from a range of circumstances of which domestic abuse may be one. Managers/ Supervisors

who are supporting staff in such matters should address the issue positively and sympathetically ensuring that the employee is aware that support and assistance can be provided.

The Council respects employees' right to privacy. Whilst we strongly encourage victims of domestic abuse to disclose for the safety of themselves and all those in the workplace, it does not force them to share this information if they do not want to.

Confidentiality and right to privacy

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

Where domestic abuse in a same sex relationship is disclosed, due regard should be paid to the double disclosure of confidential information particularly where the individual recipient of abuse may not be out at work.

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 you have to breach confidentiality you should seek specialist advice before doing so. If it is decided to proceed in breaching confidentiality after having taken advice, you should discuss this with the employee and seek the employee's agreement where possible.

As far as possible, information should only be shared on a need-to-know basis. All records concerning GBV should be kept strictly confidential. No local records should be kept of absences related to GBV and there should be no adverse impact on the employment records of victims of GBV.

Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to the Disciplinary/ and Grievance Policy.

Support for individuals

The Council recognises that developing a life free from GBV is a process not an event and we should provide ongoing support for employees who disclose.

You should respond sympathetically, confidentially and effectively to any member of staff who discloses that they are experiencing GBV. Where GBV has been reported line managers should treat unplanned absences and temporary poor timekeeping sympathetically. Line managers may offer employees experiencing GBV a broad range of support. This may include, but is not limited to:

- Special paid leave for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.
- Temporary or permanent changes to working times and patterns.

- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role
- Redeployment or relocation
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including flexible working
- Access to counselling/support services in paid time
- Access to local services

Line managers should respect the right of staff to make their own decision on the course of action at every stage and should avoid being judgemental. It must be recognised that the employee may need some time to decide what to do and may try many different options during this process.

Other existing provisions (including occupational health, Independent counselling service, others) should also be signposted to staff as a means of help.

Organisational planning

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

We will remind staff of the importance of not divulging personal details of other employees, such as addresses, telephone numbers or shift patterns.

Disclosure of abuse

Staff experiencing GBV may choose to disclose, report to or seek support from a union representative, a line manager, or colleague. Line managers and union representatives will not counsel victims, but offer information, workplace support, and signpost other organisations.

You should respond sympathetically, confidentially and effectively to any member of staff who discloses that they are suffering from GBV.

The Council's Service Co-ordinator (Domestic Abuse) along with a member of human resources trained in GBV issues will provide an additional confidential contact for staff. They will also provide guidance for line managers and union representatives who are approached by staff who are being abused.

Training

The Council is committed to ensuring all line managers are aware of GBV and its implications in the workplace. Information, briefings, awareness raising sessions and undertaking of the e-learning GBV training course will ensure that all managers are able to:

- Identify if an employee is experiencing difficulties because of GBV
- Respond to disclosure in a sensitive and non-judgemental manner
- Provide initial support – be clear about available workplace support including in-house specialist staff where applicable
- Discuss how the organisation can contribute to safety planning.

- Signpost to other organisations and sources of support.
- Understand that they are not counsellors.

Safety planning

You should prioritise the safety of employees if they make it known that they are experiencing GBV.

When an employee discloses domestic abuse/violence you should encourage the employee to contact a specialist support agency, or suitably trained specialist member of staff, and make appropriate referrals where necessary.

You may 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, taking into account the duty of care for all employees.

Perpetrators of GBV

GBV perpetrated by employees should not be condoned under any circumstances nor should it be treated as a purely private matter. However the Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

If an employee approaches you about their abusive behaviour you should provide information about the services and support available to them, and encourage the perpetrator to seek support and help from an appropriate source. Information about the organisation Respect is provided in section 5. Further Information and Guidance.

You should treat any allegation, disclosure or conviction of a GBV related offence on a case-by-case basis with the aim of reducing risk and supporting change.

An individual charged with a criminal offence may be subject to NLC's Employee Code of Conduct. Section 5.1 of this code considers employees conduct outside of work and in particular if the conduct has an impact on their ability to perform the role for which they are employed and/or be considered to bring the organisation into disrepute. In some circumstances it may be deemed inappropriate for the individual to continue in his/her current role(s), due to a caution or conviction. In these circumstances the possibility of redeployment into an alternative role should be considered.

The Council views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of our Code of Conduct and may result in action under the Disciplinary Policy

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

- A police investigation of a possible criminal offence
- Disciplinary action by the employer
- Safety for the victim
- Identifying areas of potential risk in the workplace and safety measures

If a colleague is found to be assisting an abuser in perpetrating GBV, for example, by giving them access to facilities such as telephones, email or fax machines then these actions should be considered within the context of the Disciplinary Policy.

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating GBV then this should also be considered within the context of the Disciplinary Policy.

If the victim and the perpetrator work in the same organisation

In cases where both the victim and the perpetrator of GBV work in the organisation, you should take appropriate action.

In addition to considering disciplinary action against the employee who is perpetrating GBV, 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 programmes or offices.

Role of colleagues

Where employees have concerns that a colleague may be experiencing GBV either as a victim or a perpetrator they can tell their line manager in confidence

In dealing with a disclosure from a colleague, employers should ensure that the person with concerns is made aware of the existence of this guidance.

Review

This guidance will be reviewed jointly every three years unless there are changes in legislation, best practice or other organisation policies impact on its effectiveness.

5. FURTHER INFORMATION AND GUIDANCE

Related policies

NLC Employee Code of Conduct <http://connect/index.aspx?articleid=4583>

Special Leave Policy <http://connect/CHttpHandler.ashx?id=3630&p=0>

Flexible Workstyle Options Policy

<http://connect/CHttpHandler.ashx?id=32605&p=0>

Managing attendance policy

<http://connect/index.aspx?articleid=3944>

Disciplinary Policy

<http://connect/index.aspx?articleid=3933>

Dignity at Work Policy

<http://connect/index.aspx?articleid=3941>

Acceptable use of ICT Policy

<http://connect/index.aspx?articleid=3931>

Data Protection Policy

<http://connect/CHttpHandler.ashx?id=8730&p=0>

Helping organisations

Services offered to	Organisation	Contact
Domestic abuse	Women's Aid Motherwell	01698 321000
	Women's Aid Monklands	01236 432061
	Women's Aid Cumbernauld	01236 730992
	Shakti Women's Aid - (for Asian Black or minority ethnic women)	0131 475 2399.
	Hemat Gryffe Women's Aid (for Asian Black or minority ethnic women)	0141 353 0859
	National Domestic Abuse Helpline	08000 271234
	The National Stalking Helpline	0808 802 0300
	Respect - Men's Advice Line – help for male victims of domestic abuse	0808 801 0327
Rape and sexual assault	Lanarkshire Rape Crisis Centre	01698 527003
	Rape Crisis National Helpline	08088 010302
Child sexual abuse	Women's Support Project	0141 552 2221

Forced marriage 'Honour' based crimes and harmful cultural practices	Karma Nirvana The National Domestic Abuse & Forced Marriage Helpline The NSPCC FGM Helpline	08005 999247 0800 027 1234 0800 028 3550
Commercial sexual exploitation	The TARA Project SAY Women	0141 276 7724 0141 552 5803
Other general	Emergency Standby Social Work	0800 1214114
Help for perpetrators of domestic abuse	Respect Phonenumber Mon-Fri 10am to 1pm and 2pm to 5pm.	0808 802 4040
Scottish Women's Rights Centre (SWRC)	Helpline – Tues 6-9pm Wed 1:30 – 4:30pm Lanarkshire Surgery	08088 010 789 01698 527006

Useful Web sites

Police Scotland <http://www.scotland.police.uk/keep-safe/advice-for-victims-of-crime/domestic-abuse/reporting-domestic-abuse/>

Scottish Women's Aid <http://www.scottishwomensaid.org.uk/>

Rape Crisis Scotland <http://www.rapecrisisscotland.org.uk/>

Survivors Scotland <http://www.survivorscotland.org.uk/>

Karma Nirvana <http://www.karmanirvana.org.uk/>

SWRC <http://www.scottishwomensrightscentre.org.uk/>

National Stalking Helpline <http://www.stalkinghelpline.org/>

Respect <http://www.respect.uk.net/>

APPENDIX 1

Gender-Based Violence – Definition & Prevalence

Gender-Based Violence is endemic in society. It is defined by the United Nations as “violence that is directed against a woman because she is a woman, or violence that affects a woman disproportionately.” It encompasses a spectrum of abuse experienced mostly by women and perpetrated mainly by men i.e. domestic abuse, rape and sexual assault, childhood sexual abuse, sexual harassment, stalking, commercial sexual exploitation and harmful traditional practices such as female genital mutilation (FGM), forced marriage and so-called ‘honour’ crimes. Given the disproportionate impact on women and girls, Gender-Based Violence is one of the most sensitive indicators of gender inequality. It is important to recognise, however, that men and boys can also be subjected to abuse; most often by other men but sometimes also by women.

Domestic abuse is a pattern of assaultive and coercive control, including emotional, sexual, psychological and physical abuse that affects between 1 in 3 and 1 in 5 women over the course of their lives.

Although men too experience domestic abuse, women are much more likely to experience repeated incidents over time, have greater injuries, and suffer more psychological and sexual violence.

In around 2 in 5 domestic abuse cases, there is also childhood physical and sexual abuse by the same perpetrator. There is evidence that domestic abuse within same sex relationships is common and could be higher than 1 in 3 according to a 2006 study.

Child sexual abuse is defined as exploitation of a young person by an individual for their own or others’ sexual gratification. It is physically and emotionally abusive and often involves serious and degrading assault. Studies indicate that 90-95% of childhood sexual abuse is perpetrated by men, often someone known to and trusted by the child.

Although substantially under-reported prevalence studies show 21% of girls and 11% of boys have experienced child sexual abuse.

Rape and sexual assault is defined as unwanted or coerced sexual activity, including anal, oral or vaginal penetration, sexual touching; usually committed by a man known to the victim. In 2014/15 1,797 rapes were reported to Police Scotland.

Commercial sexual exploitation includes prostitution, pornography, lap dancing and sex trafficking. One in two women in prostitution becomes involved at the age of 18 or younger. The National Crime Agency's (NCA) United Kingdom Human Trafficking Centre (UKHTC) estimates that 2,744

people, including 602 children, were potential victims of trafficking for exploitation across the UK in 2013.

There is strong evidence that women abused through commercial exploitation have experienced other forms of abuse. Women involved in prostitution report much higher levels of violence than other women, including childhood sexual abuse.

Harassment and stalking is defined as unwanted, persistent often threatening attention, e.g. following someone, constantly phoning, texting or e-mailing at home or work. There are clear links between stalking and domestic abuse: 37% of aggravated stalking against women was by a partner or ex-partner compared with 8% of men. The Scottish Government highlights studies that show that between 78% and 86% of stalking victims are female, and between 18% and 31% experiencing sexual violence within the context of stalking behaviour.

Harmful traditional practices includes: female genital mutilation, forced marriage and so-called 'honour' crimes which are culturally condoned as part of a tradition. These are likely to be a form of domestic abuse or the basis for it. The Scottish Refugee Council report "Tackling Female Genital Mutilation in Scotland 2014" states that the number of children born into potentially affected communities in Scotland has increased significantly over the last decade, with 363 girls born in Scotland to mothers born in an FGM-practising country in 2012, representing a fivefold increase over the last decade.

Forced marriage is a marriage which takes place against the wishes of either or both parties. This is not the same as an arranged marriage, where the individuals have a free choice as to whether to proceed.

The Forced Marriage Unit (FMU) gave advice or support related to a possible forced marriage in 1267 cases in 2014. 79% of cases involved female victims and 21% involved male victims.

'Honour' crimes constitute violence excused as a form of punishment for behaviour which is perceived as deviating from what the family or community believe to be the 'correct' form of behaviour, sometimes referred to as 'family honour'. Police estimate that 12 women are killed in 'honour' killings each year in the UK although this is likely to be an underestimate