

# Domestic Abuse: Guidance for Employers

A guide for organisations developing and implementing a domestic abuse strategy and policy in the workplace

Safeguarding Unit, Farrer & Co (Maria Strauss, Partner) and Jan Pickles OBE



## Contents

<u>Introduction</u>	2
<u>Who is this guide for?</u>	2
<u>Myth-busting</u>	3
<u>What is “domestic abuse”?</u>	3
<u>Criminal law</u>	5
<u>What is the impact of domestic abuse on the victim?</u>	5
<u>Impact of Covid-19</u>	6
<u>Why is domestic abuse an issue for employers?</u>	6
<u>Recent new initiatives</u>	9
<u>Employers’ legal obligations to staff</u>	9
<u>What can employers do about domestic abuse?</u>	10
<u>Adopting and implementing a domestic abuse strategy</u>	
<u>Receiving a disclosure of domestic abuse</u>	12
<u>Safety plan</u>	13
<u>Case example</u>	14
<u>Dealing with a perpetrator of domestic abuse in the workforce</u>	14
<u>Particularly complex issues for an employer</u>	16
<u>View from the family court</u>	17
<u>Devising and implementing a domestic abuse policy</u>	18
<u>Help from the criminal system</u>	19
<u>The Domestic Abuse Bill</u>	19
<u>Appendix 1: Policy</u>	21
<u>Appendix 2: Resources</u>	25

*“It was my second marriage. I could not admit to myself, never mind others, that I was being controlled, bullied and physically hurt by my husband. It was my Director who caught me off guard one day, she knew something was wrong and she asked me was I safe at home. She put me in touch with specialist help who supported me and I began to understand that it was abusive, it was getting worse and I needed to get out. They helped me every step of the way. I will be forever grateful as I think it saved my sanity and maybe even my life.”*

Senior employee in a public sector organisation

## 1. Introduction

- 1.1 It is often said that ‘no one knows what goes on behind closed doors’ and certainly, domestic abuse, is described as a “hidden crime”; it is often not reported and few cases will ever enter the criminal justice system.
- 1.2 Statistics on the prevalence of domestic abuse in society can only provide a starting point as to the scale of the problem, since so few cases are reported or detected. At page 6 we discuss the impact of the Covid-19 pandemic. The protective measures put in place by many governments around the world in response to Covid-19 caused the UN to warn of a “shadow pandemic” of violence against women which is another “deadly danger”.
- 1.3 The statistics, year on year, demonstrate that millions of people in this country, both women and men, are the victims of this “hidden crime” and that domestic abuse is witnessed by millions of children, many of whom will suffer long term physical and emotional effects as a result.

### **According to the Office for National Statistics reporting on the crime survey for England and Wales (year ending March 2019):**

- an estimated 5.7% of adults (2.4 million) experienced domestic abuse in the last year in England and Wales;
- an estimated 7.5% of women (1.6 million) and 3.8% of men (786,000) experienced domestic abuse in the previous year;
- women aged 20 to 24 years were more likely to be victims of any domestic abuse in the last year than women aged 25 years and over;
- adults who were separated or divorced were more likely to have experienced domestic abuse compared with those who were married or civil partnered, cohabiting, single or widowed;

- In 75% of the domestic abuse-related crimes recorded by the police in the year ending March 2019, the victim was female;
- Between the year ending March 2016 and the year ending March 2018, 74% of victims of domestic homicide were female compared with 13% of victims of non-domestic homicide.

## 2. Who is this guide for?

- 2.1 This guide is aimed at employers of all sizes and across sectors who are committed to creating safe workplaces and protecting their workers from all forms of abuse.
- 2.2 The purpose of the guide is to:
  - 2.2.1 highlight to employers the impact of domestic abuse on a worker and the wider workforce;
  - 2.2.2 explain the law as it stands in respect of domestic abuse so that employers are equipped with this knowledge should a case emerge;
  - 2.2.3 explain emerging Government initiatives and new law due to be implemented;
  - 2.2.4 identify employers’ legal duties of care to staff;
  - 2.2.5 support employers being able to spot indicators of domestic abuse and support victims;
  - 2.2.6 support employers who may have perpetrators of domestic abuse amongst their workforce;
  - 2.2.7 equip employers with enough information about the criminal and family court system so they understand what workers may face in those forums; and
  - 2.2.8 support employers in developing a domestic abuse strategy in the workplace.

## Myth-busting

There are many inaccurate perceptions of domestic abuse, victims and perpetrators which are important to address as believing these can allow domestic abuse to continue. Some common myths are below:

- “Domestic abuse is a ‘class issue’; it only happens in poor families”. **As we highlight below, domestic abuse can happen to anyone irrespective of ‘class’, income, profession or social status.**
- “Domestic abuse is only physical abuse.” **The Government definition of domestic abuse sets out the categories of abuse which includes, but is not limited to physical abuse. Below we set out examples of the many types of domestic abuse.**
- “People would leave home if the abuse was very bad”. **It can be extremely difficult to leave an abusive partner and there are practical considerations to take into account such as lack of money and support. Victims may feel it is more risky to leave the situation or they may still harbour a hope that their abusive partner will change.**
- “Domestic abuse is a private matter and you shouldn’t get involved.” **Domestic abuse is a social problem and a crime that has a devastating impact on victims and children. For too long, it has been allowed to remain ‘behind closed doors’. This paper outlines how employers can and should treat cases of domestic abuse. Also see Women’s Aid “myths”.**

### 3. What is “domestic abuse”?

3.1 Domestic abuse can happen to anyone. It can occur irrespective of age, race, gender, sexual orientation, religious belief, social status, occupation or lifestyle choices. The abuse can begin at any time in the life span of a relationship, from first meeting to long term partnerships.

3.2 The Government defines domestic abuse as:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

**Controlling behaviour is:** a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for

independence, resistance and escape and regulating their everyday behaviour;

**Coercive behaviour is:** an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

This definition is not a legal definition, but it is recognised across Government departments and statutory agencies.

It includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage.

3.3 **Terminology.** Different words may be used to describe domestic abuse, including ‘abuse’, ‘violence’, ‘abuse in the home’, ‘intimate partner violence’, ‘domestic violence’, ‘domestic abuse’, ‘intimate terrorism’. Employers should be mindful of language and descriptions of domestic abuse, being careful not to downplay or minimise domestic abuse or its impact either through language or in response to a disclosure from a victim or perpetrator in the workplace.

3.4 In this guide, for shorthand, we refer to “employer” and “worker”, “victim” and “perpetrator” or “alleged perpetrator”. We recognise that readers may adopt or recommend different terms. We use the term “worker” as its likely that an employer adopting a strategy and policy in this area would wish it to apply to the whole workforce and not just those who are legally “employees”, (for example, an employer may seek to apply the policy to interns, freelancers, regular consultants, work experience students). We also recognise that not everyone will either identify with or wish to use the term “victim” as those suffering abuse may not accept they are “victims” or those who have left an abusive relationship may prefer “survivor”. Equally, the word “perpetrator” carries connotations. We are mindful of these considerations and would recommend that employers carefully consider the language that feels most suitable to them, whether that is “victim”, “survivor”, “complainant”, “abuser”, “accused person”, “alleged perpetrator”.

3.5 **Examples of domestic abuse.** As the Government’s definition makes clear, domestic abuse can be wide ranging and may take many forms. Below is a non-exhaustive list of examples. (Further examples of domestic abuse can be found here: [Women’s Aid - recognising domestic abuse](#) and [Calgary Women’s Shelter - Forms of Abuse](#)):

**3.5.1 'Online' forms of abuse.** For example, monitoring of social media or emails, or sharing images without consent which could be "revenge porn". (Section 33 of the Criminal Justice and Courts Act 2015 creates an offence of disclosing private sexual photographs or films without the consent of an individual who appears in them and with intent to cause that individual distress);

**3.5.2 Financial abuse.** Controlling the use of household income and expenditure, failure to contribute to household costs, scrutinising credit card bills, victims having to account for spending, interfering with the victim's wish to work or carry out their job;

**3.5.3 Threatening behaviour.** Shouting, swearing, physically threatening, breaking furniture, damaging property, threats to injure or kill the victim, their children, family members or pets;

**3.5.4 Sexual violence.** Engaging in sexual activity without the victim's consent including rape. Use of force, intimidation or blackmail to engage in sexual activity with the victim;

**3.5.5 Physical abuse.** Punching, hitting, hair pulling, pinching, scratching, biting, use of weapons;

**3.5.6 Emotional abuse.** Name calling, belittling, cruel jokes and insults, sarcasm, constant criticism, and lying.

• Some examples:

- Isolating a person from their friends and family;
- Depriving them of their basic needs;
- Monitoring their time;
- Monitoring a person via online communication tools or using spyware;
- Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep;
- Depriving them access to support services, such as specialist support or medical services;
- Repeatedly putting them down such as telling them they are worthless;
- Enforcing rules and activity which humiliate, degrade or dehumanise the victim;
- Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities;
- Financial abuse including control of finances, such as only allowing a person a punitive allowance;
- Controlling ability to go to school or place of study;
- Taking wages, benefits or allowances;
- Threats to hurt or kill;
- Threats to harm a child;
- Threats to reveal or publish private information (e.g. threatening to 'out' someone);
- Threats to hurt or physically harming a family pet;
- Assault;
- Criminal damage (such as destruction of household goods);
- Preventing a person from having access to transport or from working;
- Preventing a person from being able to attend school, college or university;
- Family 'dishonour';
- Reputational damage;
- Disclosure of sexual orientation;
- Disclosure of HIV status or other medical condition without consent;
- Limiting access to family, friends and finances.

## Coercive control

The last decade has seen a greater focus on coercive and controlling behaviour in intimate partner relationships and how this behaviour plays an important role in predicting domestic homicide. As a result of this focus in 2015 a new offence of 'controlling or coercive behaviour in an intimate or family relationship' was enacted which provided a clearer way of evidencing and prosecuting this behaviour.

The Government definition outlines the following:

- Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim;
- Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour;

## Criminal law

Genevieve Woods is a criminal law barrister at Three Raymond Buildings. Genevieve says “Domestic abuse can be a crime. Criminal domestic abuse includes all forms of physical violence, rape and sexual assault, but can also include emotional and psychological abuse such as humiliation, intimidation or punishment of a partner or a family member. It can include behaviour designed to make the victim dependent on their abuser, such as controlling what a person wears, who they spend time with or how they spend money, tracking their movements and contacting them excessively or inappropriately.

Engaging in this conduct against a partner or a family member is a criminal offence **if, on more than one occasion, it makes the victim fear that violence will be used against them or if it causes serious alarm or distress which has “a substantial adverse effect on their day-to-day activities”**. This includes if it changes the way someone socialises, if it causes their physical or mental health to deteriorate, or if it changes their work patterns, employment status or the routes they take to work.

Employers should bear in mind that domestic abuse is very rarely one isolated incident. It usually occurs as a cycle or is a pattern of behaviour which can increase in seriousness over time. In some cases, a victim may not realise they are in an abusive relationship, may blame themselves, or may be afraid to seek help.”

At page 19 below, Genevieve describes the protections available to victims in the criminal system.

4.4 Victims often describe feelings of:

4.4.1 shame and disappointment;

4.4.2 sadness and depression;

4.4.3 failure (e.g. failure to make a relationship work, to change the perpetrator’s behaviour or, in some cases, to protect their children);

4.4.4 fear of reporting and lack of trust in people and lack of trust in authorities;

4.4.5 in some cases, victims may have normalised the abuse or accepted explanations from the perpetrator such as ‘it was a one off’ or ‘momentary lapse’. Victims may seek to excuse or even justify abusive behaviour from their partners (or ex-partners) by suggesting it’s the result of stress, ill-health, alcohol or drugs. Victims (and others) will often minimise the abuse;

4.4.6 victims may feel they cannot leave the abusive relationship. (See [guidance from Women’s Aid: “Why won’t women leave abusive relationships?”](#)).

## 4. What is the impact of domestic abuse on the victim?

4.1 Whilst the scale and types of domestic abuse can be wide ranging, the impact on a victim of any form of domestic abuse can be far-reaching and must not be underrated. (For further examples of the nature and impact of domestic abuse visit [Women’s Aid guidance on the nature and impact of domestic-abuse](#)).

4.2 Employers should bear in mind that domestic abuse can impact a victim’s physical, mental, sexual and emotional health as well as their finances. It can also have an impact on a victim’s children, family, friends and co-workers, which in turn can cause a victim further concern, stress and anxiety.

4.3 In some cases, domestic abuse can lead to illness, injury, suicide attempts and even death of victims. It can cause victims to become homeless, isolated from family and friends, at risk of underperformance at work or even unemployment. It can lead to drug and alcohol dependency.

## Impact of Covid-19

As stated above, at the time of writing this guidance, we await official data on the impact of the Covid-19 restrictions on the rates of domestic abuse.

However, it should be noted that the '[Counting Dead Women Project](#)' reported that in the first three weeks of the Covid-19 lockdown, there were 16 suspected domestic abuse killings, which was higher than average for the time of year. Equally, the National Domestic Abuse helpline (see [Appendix 2: Resources](#) for details) reported a 25% increase in calls and online requests for help since the lockdown.

It is generally believed that with the request to stay at home ("stay at home, protect the NHS, save lives", 23 March 2020), the incidents of domestic abuse will have increased. Victims who are at home with their perpetrators are less able to access services because they may not be able to safely make confidential contact with support and advice services, the police or solicitors.

In addition, Covid-19 and the restrictions, have had a knock-on impact on non-statutory vital services such as refuges, drop-in centres and specialist charities due to:

- loss of income for charities (less fundraising activities during lockdown);
- staff and volunteers being furloughed or unable to work (either at all or at the same capacity) due to virus-related sickness, bereavement and/or additional caring responsibilities for elderly relatives and/or young children.

Covid-19 presents other challenges for victims:

- They are away from colleagues who may be sources of support and friendship, leading to further isolation;
- There is arguably less access to HR due to physically relocating out of the normal workplace, as well as HR grappling with new workplace issues and significant amounts of Government guidance and other urgent workplace problems to resolve brought about by the pandemic;
- There is less opportunity for employers and colleagues to get 'a visual' on a worker who is known to be a victim of domestic abuse;
- There is a significant risk of women, who may be exhausted from many months of managing work and childcare on their own, falling back into an abusive relationship;
- Victims may have been furloughed which may mean the loss of what was a safe space for the victim and a source of emotional support.

*"We had a very powerful campaign on bullying, of which Domestic Abuse is an extreme example. It ensured that people in this situation had safe havens where they could discuss the threat they were under safely and confidentially. It also emphasised how people who believed that colleagues were vulnerable could provide a key role in sustaining them emotionally and encouraging them to seek support. Having such a policy builds trust between employee and employer and makes for a far more productive and positive workplace."*

Former senior manager of a major business

## 5. Why is domestic abuse an issue for employers?

- 5.1 We have prepared this guide in the hope of explaining to employers that domestic abuse is not a 'private matter'. Global campaigns make clear that gender-based violence, including domestic violence, is a global problem and 'it's everyone's problem' (see Amnesty International UK's resource: '[Violence Against Women](#)'). Many employers will consider that domestic abuse is a private, personal issue and they 'don't want to get involved' in workers' personal lives.
- 5.2 However, aside from the fact that domestic abuse can happen in or around the workplace and that there are circumstances in which an employer may be liable for the abuse (see page 9), we suggest that the following list of reasons illustrate that seeking to safeguard workers from domestic abuse and deal with perpetrators amongst the workforce is a critical issue for employers.
  - 5.3 Further, we would advocate that:
    - 5.3.1 adopting and implementing a domestic abuse strategy in the workplace, particularly one that is informed by domestic abuse specialists (see list of specialist organisations and charities in [Appendix 2: Resources](#));
    - 5.3.2 raising awareness of the issue;
    - 5.3.3 supporting victims;
    - 5.3.4 effectively managing perpetrators of domestic abuse (and not condoning or ignoring their behaviour) could be life changing for members of the workforce (be they victims, or family and friends of victims, or the perpetrators of abuse).
  - 5.4 We say that relatively small steps on the part of the employer could make a hugely positive difference to a victim and their children.

## 5.5 Performance of a worker, the team and the business

5.5.1 As stated at paragraph 4 above, domestic abuse can have far-reaching consequences. Many victims may experience low self-esteem, depression triggered by the abuse, poor sleep, loss of appetite or being in physical pain or discomfort (see guidance from [Women's Aid: "Domestic Abuse and your mental health"](#)).

5.5.2 There is no question that living in (or escaping from) an abusive relationship will place a huge physical, mental and emotional strain on a worker and it would be safe to assume that there could be a knock-on effect on:

- (a) performance at work;
- (b) ability to carry out or even hold down a job;
- (c) absenteeism;
- (d) presenteeism.

5.5.3 The output of the once good and high-performing employee could suffer, with a knock-on effect on the team and the business.

5.5.4 In some cases, this may lead to the involvement of HR with performance management and capability procedures being implemented.

5.5.5 Whilst this is a complex area, we say that employers should attempt to get to the root cause of an employment problem such as those in the list above, rather than taking a superficial view. (The charity SafeLives and the Department for Health guide [Responding to colleagues experiencing domestic abuse](#) helpfully lists "signs that someone might be experiencing domestic abuse" at [Appendix 1](#) which are worth reading in full). Training is available to support organisations in developing and implementing this approach.

5.6 **Organisational culture:** An organisation whose core values include a genuine wish to protect workers from all forms of abuse, harassment and discrimination and seeks to support victims of all forms of abuse, is almost certainly an organisation that will attract much respect and likely be well placed to recruit and retain the top talent.

5.7 **Work as a sanctuary:** The 7-8 hours a day spent at work (plus the commute) can be a sanctuary for victims of domestic abuse. Away from the home, and away from the perpetrator, they may have opportunities to:

- 5.7.1 make phone calls;
- 5.7.2 access specialist support;
- 5.7.3 contact the police;
- 5.7.4 arrange childcare;
- 5.7.5 organise and prepare for legal appointments.

5.8 Similarly, a worker's immediate workspace (desk, chair, computer) may feel like the safest place in the world to a victim of domestic abuse, a place that a perpetrator is unlikely to reach. We all fill our desks with photos, plants and favourite things that make us feel happy and safe.

## 5.9 When abuse enters the workplace

5.9.1 There may be occasions when domestic abuse enters the victim's workplace, for example:

- (a) through repeated calls, emails or messages from the perpetrator; or
- (b) other interruptions in the day from the perpetrator such as unwanted visits to the workplace.

5.9.2 This might especially be the case if the victim has left or is attempting to leave the abusive relationship. The workplace may then become the only reliable means in which a perpetrator can contact the victim or know their whereabouts. This creates significant risks for the victim, co-workers and the employer.

5.9.3 In some cases, physical or sexual assaults or other threatening behaviour have been known to happen in or around the workplace, for example the car park or reception areas.

## 5.10 Impact on co-workers

Close colleagues often want to help a victim of domestic abuse but don't always necessarily know the most appropriate way of doing so and can unwittingly put themselves in danger. We suggest that this can be avoided where there is a clear domestic abuse strategy, policy, training and well-publicised key points of contact for staff to seek guidance.

5.11 Co-workers can end up:

- 5.11.1 taking messages;
- 5.11.2 shielding victims from unwanted calls;
- 5.11.3 taking on some or all of the victim's work duties;
- 5.11.4 lending money to the victim or buying them essential items;
- 5.11.5 making excuses to HR or to managers on behalf of a victim;
- 5.11.6 covering for a victim's performance or absence.

5.12 In some cases, co-workers may witness an assault or personally experience threatening behaviour which could be distressing and put them at risk, especially if they try and intervene, however well intentioned this may be.

**As Director of the Women's Safety Unit, Jan Pickles OBE**, and the team supported thousands of victims and survivors of domestic abuse and sexual violence. Jan has worked on several Home Office reviews involving domestic homicide. She says: "Many times, I have heard people say of victims of domestic abuse "why don't they just leave" but leaving a domestic abuser increases risk, seeking help, talking to anyone can increase risk. **Often the time at work will be the only time when victims can access specialist help, an Independent Domestic Violence Adviser, a solicitor or even a discussion with the Police could be done safely in work time.**

Victims, if they disclose at all, **will often minimise the risk they live with every day.** This makes it even more important that any disclosure or intimation of such experiences is responded to appropriately and the disclosure treated with the utmost seriousness. **This may be the only opportunity to help this person.** One of the things I noted from my time as Director of the Women's Safety Unit is that **of the hundreds of referrals we received from women each week, very few had a realistic notion of the level of risk they were living with.**

In a Domestic Homicide Review that I undertook in 2013, the victim had previously disclosed her fears to the in-house security team at her workplace. At the time, they had no training on domestic abuse and sadly had not advised her to seek help and now live with the consequences."

Jan Pickles says "It is important to recognise that a person of any gender, age, ethnicity or social group could be a victim of domestic abuse in the workplace. Employers should always consider it as a possibility when faced with evidence that suggests it, however unlikely that may seem.

There is evidence that can help an employer narrow down who are most likely to be at risk and the indications in behaviour that may suggest it worth checking out if this is the case.

Firstly, the data shows that women are more likely to be victims of domestic abuse than men. Being on a low income and aged between 20-30 again increases risk. Pregnancy also increases the risk. Women are also at risk during and after separation, including both the risk of occurrence but also of serious harm or even death. In addition, being in, or having been in, a relationship with a male who misuses drugs or alcohol, and with criminal convictions, will increase the risk to the woman.

There is also evidence of the kinds of behaviour an employer might notice that might suggest that domestic abuse is occurring. These behaviours are not the only indicators, so if they do not apply to your worker, don't rule it out as a possibility on that evidence alone.

The most obvious signs of abuse are what you can see - bruises, lesions, even scald marks on parts of the body. But there is the perhaps less obvious range of behaviours that could suggest domestic abuse; these could be frequent lateness, unexplained absences from work, chronic vague medical reasons for absence, a decline in performance at work with no obvious reason. In terms of the presentation or demeanour of a possible victim, they may appear preoccupied, nervous or distracted, with poor concentration at tasks. Receiving frequent phone calls from her partner, or gifts for no apparent reason may also be indicators of a perpetrator sending a message to the victim."

### 5.13 Cost to victims and cost to society

5.13.1 In January 2019, the Home Office [published a report calculating the cost of domestic abuse.](#)

5.13.2 The report considered the following areas:

- (a) the cost in anticipation of domestic abuse (covering preventative work);
- (b) cost as a consequence of domestic abuse (including physical and emotional harm, health services, lost output and victim services);
- (c) cost in response to domestic abuse (police and other justice costs).

5.13.3 The report found that the largest element of domestic abuse cost is the physical and emotional harm suffered by the victims themselves (£47 billion). **The next highest cost is for lost output relating to time taken off work and reduced productivity afterwards (£14 billion).**

5.14 One example of a further cost to society is the fact that a quarter of all offenders in custody experienced domestic abuse as children. Whilst it is impossible to categorically state a direct correlation between domestic abuse experienced in childhood and offending in later life, it is known that children living with domestic abuse experience a number of 'Adverse Childhood Experiences' i.e. trauma, long term stress, poor sleep, anxiety, disrupted education and many impacts, all of which reduce the child's (and later adult's) potential to have a 'flying start' in life. These costs inevitably translate into real costs for the state: supporting victims, children and others; consequences and costs of managing anti-social or self-destructive behaviour and its consequences; loss or reduction in individual life chances. For further information on the impact of domestic abuse on children see [Royal College of Psychiatrists: "Domestic violence and abuse - the impact on children and adolescents"](#).

## Recent new initiatives

On 11th April 2020, the Home Secretary launched a new public awareness campaign highlighting that if anyone is at risk of, or experiencing, domestic abuse, they are still able to leave and seek refuge. The campaign, under the hashtag #YouAreNotAlone, sought to create a community around those affected by domestic abuse and reassure victims that support remains available.

The Home Secretary also announced £2 million of funding to immediately bolster domestic abuse helplines and online support. The Home Office has also partnered with Fujitsu to offer tech support to smaller charities.

On the 21st May 2020, the Prime Minister hosted a [Hidden Harms Summit](#) focused on tackling crimes such as domestic abuse, sexual abuse, child sexual abuse and modern slavery. The Lord Chancellor, Robert Buckland, chaired a session on how to support victims and survivors of hidden harm crimes, and how Covid-19 will affect the long-term support of victims. As is reported in the fact sheet, the government announced that a codeword scheme for victims of domestic abuse will be launched. The scheme, championed by the independent Victims and Domestic Abuse commissioners, as well as a number of domestic abuse charities, will mean that victims will be able to signal to staff in participating outlets, such as supermarkets and pharmacies, that they need immediate support.

The Home Office is currently working on the scheme with partners in the charity and business sectors, including the National Consortium, with more details to be announced in due course. Cumbria, South Wales and Sussex Constabularies are piloting new approaches to tackling domestic abuse, including methods for better identifying those posing the highest risk of offending and multi-agency approaches to prevent re-offending. Forces will be working with the College of Policing to evaluate the effectiveness of these approaches with a view to wider dissemination across the forces as appropriate.

## 6. Employers' legal obligations to staff

**6.1 Government consultation:** At the time of writing this guide, the Government has launched a review of employment rights for survivors of domestic abuse. The consultation can be found [here](#); it closed at 11:45pm on 9 September 2020. The review aims to ensure survivors of domestic abuse are given support within the workplace, whether that is an outlet for reporting abuse, financial assistance or as a source of emotional support. So in light of other legal developments in this area, namely the Domestic Abuse Bill and the Government's consultation on employment laws, there is a possibility that we may see some changes to employment law further down the line.

- 6.2 Common law duties:** There is a common law implied duty which requires employers to take reasonable care of their employees' safety. This extends to ill-health caused by stress. A breach of this might give an employee a personal injury claim under the tort of negligence. What is reasonable depends on the size and resources of the employer and the circumstances and facts of any specific case.
- 6.3 Employers' liability for actions of employees who may be perpetrators:** There are scenarios where an employer might be liable for the actions of a perpetrator of domestic abuse. Similar to any case of abuse, each domestic abuse case will be fact specific. However, we consider that there are some situations where a liability might arise. The law in this area is complex and, as already stated, cases are fact specific. Notwithstanding that, liability might arise if the perpetrator and victim are co-workers and the employer has not taken reasonable steps to carry out a risk assessment, support the victim, and/or take appropriate action against the alleged perpetrator. Similarly, cases where the perpetrator is using the employer's resources or where the position bestowed on them by the employer is a factor (for example, because the perpetrator holds a position of authority with their employer or they have authority because of their profession), then such scenarios could give rise to a liability for the perpetrator's actions.
- 6.4 Failure to take reasonable care for the safety of employees:** Equally, where an employer is aware of a worker who is a victim of domestic abuse, we consider that this places an onus on the employer to carry out a risk assessment (see guidance on page 13 on safety plans) and to take reasonable care for the safety, both physical and mental health, of the worker. Failure to do so could result in a liability.
- 6.5 Risk of harm when working from home:** Employers have the same health and safety responsibilities towards their workers when they work at home as when they work in an office. If there was a known risk of domestic abuse, the starting point would be a risk assessment and efforts taken to minimise the risk. This might lead to adaptations such as those mentioned at page 11. We consider that it is important to explain and potentially evidence in written documentation what was and wasn't considered, and what was and wasn't possible in terms of adaptations, as well as why.

**6.6 Equality Act 2010:** Employees are protected from harassment if they are subjected to unwanted conduct which has the purpose or effect of either violating the victim's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them and that conduct is either related to a protected characteristic (e.g. sex, race, sexual orientation, gender reassignment etc) or is of a sexual nature.

**6.7 Protection from Harassment Act 1997:**

**6.7.1** Prohibits anyone from pursuing a "course of conduct which amounts to harassment", which that person knows or ought to know amounts to harassment. Significantly, there is no need to show that the conduct is based on a protected characteristic;

**6.7.2** Employers can be vicariously liable for harassment under the Act and, unlike harassment under the Equality Act 2010, there is no "reasonable steps" defence available.

**6.8 Health and safety obligations:** Breach of statutory obligations may result in employers facing enforcement action by the Health and Safety Executive, including criminal sanctions in serious cases:

**6.8.1 Health and Safety at Work Act 1974:** employers are under a specific statutory duty to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees;

**6.8.2 Management of Health and Safety at Work Regulations 1999:** employers are required to undertake a "suitable and sufficient" assessment of the health and safety risks that employees are exposed to at work, including identifying measures to try to prevent and combat risks at source;

**6.8.3 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995:** places an obligation on employers and people in control of work premises to report certain serious workplace accidents or dangerous occurrences, including near misses;

**6.8.4 Health and Safety (Consultation with Employees) Regulations 1996:** employers are required to consult with employees on workplace matters which affect their health and safety.

**7. What can employers do about domestic abuse? Adopting and implementing a domestic abuse strategy**

**7.1** In paragraphs 5.3.1, we advocate that employers should adopt and implement a domestic abuse strategy in the workplace informed by domestic abuse specialists. If protecting staff from abuse is part of your organisation's core principles, then you

should ensure that this includes domestic abuse as well as other forms of harassment, discrimination and abuse.

**7.2** In this section, we consider key issues in informing and implementing a successful strategy in this area.

**7.3** Developing an overarching domestic abuse strategy for the protection of workers does not require significant amounts of cost or ongoing budget but the output from the strategy could be life changing for workers who are victims of domestic abuse and their children.

**7.4** We take the view that a strategy in this area should be one that is tailored specifically to the organisation and informed by specialist domestic abuse agencies. Some of the countries largest employers have teamed up with specialist charities for support on policy development and training. Therefore, we recommend reaching out and working with specialist agencies, specialist domestic abuse charities either those nationally recognised or reputable charities and support centres local to the organisation (see [Appendix 2: 'Resources'](#)). The police can also be a valuable source of local knowledge.

**7.5** Specialist local agencies are likely to be able to give an organisation relevant information about local trends and issues which could greatly assist in implementing an overall domestic abuse strategy for the workforce.

**7.6** The overarching strategy could include such things as:

**7.6.1 Communications campaign and awareness raising.** A commitment to raise awareness of domestic abuse as an issue through, for example, the use of social media campaigns, workshops, well-publicised policies and statements. This should not be a one-off event but rather part of an ongoing awareness raising campaign;

**7.6.2** Communications which are designed to offer support should be delivered in ways that staff can access privately, for example in emails or through the use of phone apps;

**7.6.3** A good way to raise awareness and reach staff are posters with key messages from the employer on the topic and the contact details of support groups. These posters can be placed in areas such as changing rooms or toilet facilities;

**7.6.4** It is vital that communications do not give the message that domestic abuse solely affects women or that it is solely perpetrated by men;

7.6.5 Provide a clear statement to staff about what to expect from the employer if they disclose that they are suffering domestic abuse.

7.6.6 **Policy review.** A commitment to a policy review. This could include:

- ensuring Codes of Conduct are updated and that they clearly state that physical or sexual violence, as well as other forms of domestic abuse, are not tolerated within the organisation;
- disciplinary policies can be updated to state that domestic abuse either occurring on, around or from the workplace or, indeed, outside the workplace may be gross misconduct;
- related policies (such as equality, anti-discrimination and dignity at work policies) should also be reviewed and updated and link to the specific domestic abuse policy (see further below at page 18).

7.6.7 **Training.** A commitment to providing specialist training and empowering individuals within the workforce, (including HR, in-house legal professionals, safeguarding teams and cascading training to managers) so they can recognise signs of domestic abuse, when employees might be at risk, how to ask and what action should be taken.

7.6.8 Consideration of whether a system of nominated employee ‘champions’ might be helpful, recognising that workers might be wary of making a disclosure to their immediate line manager or to HR. These trained individuals should be able to:

- listen to a disclosure and respond appropriately (see page 12 for guidance);
- identify immediate risks and ensure the worker’s safety and other needs (such as medical help);
- signpost the victim to specialist agencies who can support them;
- explain to the victim what further practical support the employer can give in the circumstances (see paragraph 27 onwards for suggestions and options).

7.6.9 **It is vital that HR, managers, safeguarding teams or anyone else who is hearing a disclosure of domestic abuse and offering support understand that they are not experts. It is critical that they know when to draw the line, recognising that they are not qualified professionals in this area and that some, if not all, domestic abuse cases will**

**require significant specialist input given the risks to the victim. The National Domestic Abuse Helpline is available for support, in addition, proactively building a relationship/partnership with a domestic abuse service as part of the whole strategy can ensure specialist support is available when needed.**

7.6.10 **Practical help.** A commitment to offer and provide practical help to victims of domestic abuse on a non-discriminatory basis, suggestions for which can be covered in the overarching strategy and policy. Here are a number of examples of practical help:

- consider whether workers who are victims of domestic abuse might be able to benefit from **paid special leave**. Such leave could be enormously helpful for a victim who may be moving to a new house, searching for a new school or nursery for their child, or who may need to attend appointments with lawyers, the police, or go to Court hearings;
- consult with the worker and any professionals supporting them (such as lawyers, GPs, domestic abuse specialist advisors), as to whether a **‘safety plan’** (see page 13) is required in the case;
- consider offering **flexible working** even as a short term, temporary measure;
- if **workplace loans** are available or **advances on pay** can be made, then consider offering this if the worker is facing financial hardship; this is short term and not a long-term fix to the worker’s situation. Likewise, consider whether it would be helpful to **pay wages or salary into a different bank account**;
- consider offering **counselling services** to the worker (and potentially also their children) as this could be helpful to the worker as part of a longer-term solution;
- it is critical to be able to **sign-post workers to specialist support** including independent domestic abuse support workers, advocates and specialist lawyers. Employers should keep a list of local resources updated in the policy, as well on posters and other signs which have been used to raise awareness.

Jan Pickles says “Victims tell us they are in trouble in work because they cannot concentrate or take regular sick leave. Managing performance can be an issue with someone who takes off time repeatedly. An employer has to consider that maybe the person feels unsure of coming to work with bruises or other injuries, or maybe the perpetrator will not let them return to work until they have healed.”

**7.6.11 Particular groups of workers:** Employers should be mindful that some groups may face additional hurdles in disclosing domestic abuse or accessing support, for example:

- workers with disabilities;
- LGBTQ workers;
- workers from Black, Asian or other Minority Ethnic backgrounds.

**7.6.12** There are specialist organisations to which these workers can be signposted (see [Appendix 2: 'Resources'](#)) and the overall strategy should seek to explore whether there are any other more practical ways to ensure that these groups are fully aware of the employer's policy and available support.

**7.6.13 Implement a policy.** A commitment to devise and implement a domestic abuse policy and possibly also a charter (this is a formal document highlighting the rights, aims and principles set down by the employer regarding domestic abuse.) **At Appendix 1, we provide a basic form template policy and at page 18 we give guidance on the implementation of the policy.**

## 7.7 Other key points

**7.7.1** As with any strategy in the organisation, it needs the commitment of staff at all levels and especially the board to integrate it into the culture and management practice.

**7.7.2** It is important to try to create the sense that the employer is aware of the prevalence of domestic abuse in society and anticipates there may be cases amongst the workforce rather than such cases being seen as abnormal or unusual.

**7.7.3** Make clear in any statements, policies or awareness-raising campaigns that disclosures will be taken seriously and treated in confidence (though be wary of making promises of confidentiality that may be difficult to keep).

**7.7.4** Make it tonally clear that the needs of the organisation are secondary to the safety of the worker and that it is in the interests of the organisation, as the well as the victim, that such problems are resolved, and the worker helped to safety.

Jan Pickles says: "By acting we mean listening, not judging, and not offering advice based on limited knowledge of risk and risk assessment, but alerting HR and gaining specialist advice. By taking on the 'problem' yourself, you could increase risk for the victim because much of what makes a victim safe is counter intuitive. We must all be vigilant. The colleague who can never come on the night out might

be someone who dislikes those events, or they could be someone who is not allowed to attend and who might be punished if they did. The person who never buys a coffee may be the victim who must account for every penny spent."

### Receiving a disclosure of domestic abuse

If someone chooses to disclose to you that they are living with domestic abuse, accept that the facts may be complicated and emotions may be running high. Suggest somewhere quiet and confidential for a discussion. Allow the person to share their story if they want to, but do not lead the conversation or make assumptions.

Accept that whatever a victim may have done (for example, developing an alcohol or drug dependency, or even engaging in criminal activity) could have been a survival strategy.

If a person chooses to disclose to you, appreciate that the person may feel they are taking an enormous risk in doing so and be mindful of the effort that is involved on their part. Treat the disclosure and the person with respect and be attentive to the words and the feelings they convey, and the outcome they want from the conversation. **Don't think you or they can deal with this alone.** Ask the person what they think would help and how you can help in that. If there are immediate risks or children who may be at risk, you will need to contact the Police. You can call the National Domestic Abuse helpline for free confidential advice.

Similar to cases of workplace sexual misconduct, when a victim discloses domestic abuse, don't use pejorative or judgemental language or lines of questioning, such as "why did you stay?"; "how could you marry someone like that?"; "what did you do to deserve that?". Don't ask for evidence (though it may be appropriate in some cases to advise the victim to retain evidence so that it can be provided to the police or lawyers). Explain to them the support the employer can offer but do not compel them to accept support or to contact the perpetrator.

Remember that many victims manage to work and take care of their children at the same time as living with an abuser and to this end show remarkable resilience and strength. But it must be remembered that these individuals clearly have been let down: the person who is supposed to love them is in fact abusing them and so understandably victims may be some of the most fearful and anxious in society. Your response, approach and language will be key in them deciding whether you are or are not a person they can trust.

Try to develop trust by listening carefully and taking the case seriously, not engaging in harmful gossip about the situation, and being discrete. Supporting the victim in a meaningful way which will depend on the facts of the case, the organisation's policy and ability to offer practical support as outlined above.

## Safety plans

Jan Pickles says: “As Director of the Women’s Safety Unit for ten years I have worked with a wide range of employers shaping safety plans with their employees who were at risk of harm from their abusive partners or ex-partners. For many victims of domestic abuse work is a safe place, a refuge from the regular experience of intimidation, threats and controlling behaviour they live with in the home. Much of this is often invisible to the employer, and the victim has in some ways two parallel lives in which different personas co-exist - terror and helplessness along with a seemingly capable and productive employee, partner or colleague”.

Many organisations, particularly larger businesses, have procedures and policies in place so victims know what support is available and what their managers can and should provide. **We know from victims that real risk areas and times are coming and going from work as well as in the workplace.**

One key way in which an employer can support a victim is through devising a ‘safety plan’ which in some cases may require a multi-agency approach with input from the police, social services, schools (where there are children) and any specialist domestic abuse support worker who is advising the victim. Everyone’s home environment and relationship are individual and different and therefore consultation and discussion with the victim about what might help or make things worse is really important (both to have and to document). For example, in some situations, welfare calls might be helpful but there may be scenarios where such calls might make things worse.

**A good safety plan looks at the detail of a victim’s day and plans around it to improve the victim’s safety and to provide a sense of security.** Secure parking, entrances and exits are key, even walking a worker back to their car or providing a buddy to be on the same bus could make a huge difference.

Other practical steps:

### • Site security:

- Entrances can only be secure when policed, so entry systems with codes need to be changed regularly and cleaned (lest the numbers can be identified through frequent use). Security codes, keys and key cards should be provided on a strictly limited basis with clear instructions not to share them;
- Similarly, a culture in where ID badges (including for visitors) are worn and staff challenge those without badges - even if they are a familiar face - should be encouraged;
- The visitor’s policy should be reinforced to staff so no one, for example, holds the secure entry door open to let someone else in. **Such reminders can easily be done without any explanation to the workforce, so the workplace remains a safe zone;**

- Check the ‘nuts and bolts’ of the workplace. Are windows secure? Does the alarm system work?
- **Changes to the working day.** If appropriate, strategies should be agreed with the victim to make access to the victim by the perpetrator more difficult. For example, removing victims from front facing roles, changing shift patterns, or times for lunch breaks. Anything that disrupts a victim’s normal routine that the abuser may know of can be a protective measure. If working from home is causing an increased risk, employers should consider any mitigating measures, for example, whether they have an office from which the victim can work or whether the victim has access to an alternative location;
- **Equipment.** It may be that the provision of certain equipment might help, for example, a laptop so that the worker can be flexible about where they do their work; a privacy screen so that their work is not easily overlooked by others in the room; or noise cancelling headphones so that a perpetrator cannot hear at least one side of the conversation;
- **Communications:**
  - Ensuring that a victim’s movements are not relayed over the phone by reception or colleagues. Take messages but do not say, for example, “they have popped out to the café and will be back at 2pm”;
  - Consider diverting calls or emails from specific numbers/addresses, or changing the victim’s number or their company email address;
- **Police.** As employers, you can formally engage the police in protecting the victim by ‘flagging’ the business address on the Police call out system so that those responding will be informed immediately of the likely nature and level of risk of the callout;
- **Counselling.** Consider whether counselling could help improve outcomes for victims or their children and refer workers to employee assistance programmes, counselling services or private healthcare providers;
- **Colleagues.** Agree with the victim what to tell colleagues, if anything, and consider whether colleagues should be advised as to how to respond if the perpetrator calls or visits the workplace or asks about a victim’s whereabouts;
- **Unexpected absences.** Consider whether it is appropriate to identify a person to monitor attendance and who will follow up with a victim in the event of an unexpected absence;
- **Contact details.** The safety plan should always include emergency contact details and the names and numbers of the professionals supporting the worker;

- **HR files.** HR files should be kept up to date and employers should be aware of police notices, Domestic Violence Protection Orders or other Court Orders so as to ensure that such Orders are not inadvertently being breached at work;
- **Employers' records.** Keep records of any incidents of abuse whilst at work including persistent calls, emails, messages, or visits.

Jan Pickles says: "A victim whose movements are tracked often needs cover for appointments relating to the abuse, for example medical, legal, police, counselling. The employer's role here may be to enable that contact allowing time off either to attend, call or even receive a visit at the workplace. **Remember that perpetrators often have a high level of motivation and sense of entitlement to access their victims and will see anyone or anything that stands in their way as a real threat to them. Perpetrators may use manipulation, charm, threats or violence to reach their victim.**"

### Case example

Jan Pickles says "At the Women's Safety Unit we engaged with employers across the full range of occupations. Responses varied from some employers who felt it was not their concern, to others who fully engaged, worked in partnership with us and invested time and resources to help their worker achieve safety. An example of good practice was a victim who worked for a major hotel chain. She was offered a room as 'Mrs Jones' when she needed it. In another example, a large supermarket chain took out an injunction against the partner of one of its employees after he entered the store and threatened her. The injunction prevented him from entering any of their stores or garages making it impossible for him to find out where she was working. In another case a university arranged for a new mobile phone the same day for its employee and paid her a month's salary up front so she could secure a flat. Often these very active responses by an employer were because the HR department or manager understood domestic abuse, maybe from training but more likely had their own personal experience of it."

## 8. Dealing with a perpetrator of domestic abuse in the workforce

8.1 Much of this guide focuses on workers who may be victims of domestic abuse recognising that employers can make a real difference to these individuals with positive impacts on their safety and performance at work.

- 8.2 However, it is helpful to consider what might happen in an organisation employing a perpetrator or alleged perpetrator of domestic abuse. Can and should an employer take action? And if so, what?
- 8.3 We recognise that employers might be wary about being seen to legislate for and discipline in respect of domestic abuse and might wonder if this is something they should be getting involved in at all.
- 8.4 However, where there is a commitment to creating a safe workplace and protecting and supporting workers who may be victims of domestic abuse, there is surely a corresponding duty to respond to perpetrators of domestic abuse in an appropriate way. Equally, considering the potential liability issues as described above, (for example, employing a perpetrator who is using the employer's equipment to commit the abuse and doing so during work hours), as well as the possibility of future legislative changes that might impact employers, then dealing with a perpetrator in the workforce makes sense.
- 8.5 There are plenty of circumstances in which employers can and do discipline for misconduct outside of the workplace. Examples of this are disciplining where an employees' actions could bring the employer into disrepute, for example, physical assaults, racist or sexist remarks, stalking and online harassment using the employer's equipment.
- 8.6 Employers should remember that domestic abuse is criminal and if an employer would take a stance on other inappropriate and potentially criminal conduct, even though it may largely be conducted outside of the workplace (an analogy being racist abuse), then there would seem no reason not to legislate for and discipline in respect of domestic abuse.
- 8.7 Significantly, employers should be mindful of the job or function performed by the perpetrator. In some roles, for example, working with children and young people (teachers, sports coaches etc.), or in safeguarding, HR, or front line services (police or mental health services), an employer should seriously question the suitability of a perpetrator of domestic abuse to carry out those roles. Depending on the circumstances of the case and the role being performed, an employer should consider a range of measures from supporting a perpetrator to change their behaviour, conducting suitability assessments, supervision or even dismissing them from the role.

- 8.8 Knowledge that a perpetrator of domestic abuse is in the workforce may come in a variety of ways and cause a multitude of issues for an employer, for example:
- 8.8.1 The perpetrator may be forced to make a disclosure perhaps because they are the subject of a police investigation, have been arrested or they have had an Order made against them;
  - 8.8.2 The perpetrator may make a disclosure as part of a request for time off to attend legal appointments or attend Court hearings;
  - 8.8.3 It is possible that the victim in some cases may alert the employer and seek help from the perpetrator's employer or otherwise alert them to the issue;
  - 8.8.4 The victim and perpetrator may be co-workers (see further guidance on this issue at paragraph 9.1 below);
  - 8.8.5 An informed and trained manager or colleague may spot indicators of potential abuse ranging from:
    - (a) derogatory comments made by the perpetrator about their partner;
    - (b) microaggressions, anger and blaming their partner;
    - (c) constant contact or attempts to contact their partner;
    - (d) injuries (perhaps from the victim trying to defend themselves).
  - 8.8.6 Disclosures may come from co-workers who may move in the same social circles, live nearby to the perpetrator, or who may learn of the domestic abuse through witnessing it, or spotting indicators of it, or hearing rumours and gossip about it;
  - 8.8.7 Co-workers may witness incidents in the workplace, or they may attempt to cover for the perpetrator if they are absent from work for reasons connected with the abuse.
- 8.9 There is reputational risk for the employer of employing a domestic abuser and, considering their abusive conduct, these individuals may pose a risk to others in the organisation.
- 8.10 Concerns or allegations about a colleague's behaviour should be acted on. What happens will depend on the systems that the employer has put in place, for example whether there is a system of "nominated champions" who can give advice, or whether the matter is reported up, likely to HR (who should be best placed to consider the appropriate actions.)
- 8.11 In these situations, managers and HR should carefully consider the immediate risks or needs either of the perpetrator, victim and their children as well as consider whether the perpetrator presents any type of risk to other staff, clients and others.
- 8.12 Note that it may be possible to engage with a perpetrator in a constructive way that does not automatically lead to disciplinary procedures. This does not mean condoning the abuse. Perpetrators may seek out and benefit from professional help in a genuine effort and wish on their part to change their behaviour. There are organisations who specialise in supporting these individuals (see [Appendix 2: Resources](#)).
- 8.13 Where a perpetrator of domestic abuse wishes to seek help voluntarily the employer could consider having a package of support including access to specialist services or time off for counselling.
- 8.14 We recommend that the employer make it clear through its Code of Conduct and policies, that it prohibits all forms of abuse, including domestic abuse, and will take action. It is important that policies give employers the power to take into account matters outside the workplace.
- 8.15 Policies are key and the employer should make clear that domestic abuse may result in:
- 8.15.1 disciplinary action including dismissal;
  - 8.15.2 notification to the police;
  - 8.15.3 notification to any regulators or professional associations where relevant;
  - 8.15.4 in some cases injunctions preventing entry into the organisation (as in Jan's example above).

## 9. Particularly complex issues for an employer

### 9.1 Where the victim and perpetrator are co-workers

- 9.1.1 A complex scenario for an employer is where both parties are in the same workplace.
- 9.1.2 The employer may consider measures such as redeploying the alleged perpetrator to a different part of the business, different site or removing duties that bring him into contact with the victim, or suspension in some cases.
- 9.1.3 Employers should be mindful that such steps could be challenged by the perpetrator and may increase the victim's risk.
- 9.1.4 In these cases, we suggest the following:
  - (a) Carry out a risk assessment;
  - (b) Seek specialist input and advice;
  - (c) The victim's safety should be the paramount consideration;
  - (d) Consult with the victim and any support workers they have on board;
  - (e) Consult with the perpetrator and his trade union representative, if any.

### 9.2 Where the victim makes a disclosure of domestic abuse but asks that it not be taken any further, or withdraws a previously made disclosure, or chooses not to accept support from the employer

- 9.2.1 In such a scenario, the following strategies may be helpful:
  - (a) never compel a worker to accept the support on offer;
  - (b) regularly checking in with the worker making them aware that you are available to speak any time if they would like to and encouraging them if possible, to seek specialist advice;
  - (c) keep records of what has happened in the case;
  - (d) where it appears that there is an impact on the worker and their ability to carry out their job, explain that it may be necessary to address the issue for their overall well-being;

- (e) consider whether there are any immediate risks and take immediate advice and action;
- (f) consider the reasons why a worker may be reluctant to disclose and accept support. Is it because the abuse has escalated, and they fear for their safety? Perhaps they are concerned about the impact on their reputation, job, promotion prospects or concerned about the reaction of the employer? The latter are matters that an employer can give reassurance about through its communications on the topic;
- (g) seek specialist advice on a no-names, confidential basis.

### Specific roles

Jan Pickles says: "There can be additional risks to an employer if the individual who may be a victim of domestic abuse holds a safeguarding function in the organisation. This is because normalising abusive behaviour could impair their judgement. For example, some victims may have normalised what is clearly abusive, either due to the length of time it has been going on or even due to the nature of their own job (for instance, within front line emergency services, or within child protection work). As a professional, internalisation and numbing to the stress and trauma that you work with can also become numbing to the trauma you live with. Employers in these circumstances must take control and compel workers to address these issues; this will often be resisted. It is imperative that such actions when taken are done sensitively and respectfully, recognising the worker's value and contribution but requiring them to obtain help in order to remain effective in an essential post where they are critical for safeguarding and the welfare of others particularly children. A case example illustrating these difficulties is that of a Child Protection Social Worker who was a victim of domestic abuse. After disclosing the abuse to her manager, she was immediately redeployed out of frontline work into work that she felt had less worth. She believed that she was being punished for her disclosure and had effectively been demoted. She felt she was no longer seen as the able worker she had been before she disclosing the abuse. She felt she had lost her career by disclosing her experience, which increased her stress, anxiety and sense of victimisation."

## View from the family court

Sarah Hutchinson is a Partner in Farrer & Co's family law team. Sarah says: "The family court has the power to make two types of order protecting victims of domestic abuse: a non-molestation order and an occupation order. It is helpful for employers to have a general sense of what these orders mean.

A **non-molestation order** prohibits the respondent (ie the perpetrator) from molesting a person who is associated with the respondent and/or a relevant child. This is very wide ranging and can be used to prevent an extensive range of abusive behaviour towards a person, as long as they are 'associated' through either an intimate relationship (such as marriage) or they are related. This also allows a parent to apply for an order to protect their children. There are also separate applications which can be made in relation to children under the Children Act exhibit are beyond the scope of this note.

An **occupation order** regulates the occupation of a house. For example, an order may allow the applicant to remain in occupation and may prevent the respondent from entering the property. These orders are considered to be very serious, as they prevent the respondent from exercising their own property rights, and therefore are not made lightly.

In order to apply for a non-molestation order or occupation order, the applicant must provide a witness statement in support of their application setting out what has happened. If the applicant is applying for an occupation order, the court is likely to expect an explanation as to why the parties are unable to co-exist, especially if they have been able to do so previously. For this reason, it is important for the applicant to provide details of any recent incidents which have made it unbearable to continue to share the property with the respondent.

An applicant does not have to pay to apply to the court for a non-molestation order or occupation order. They may request that their application is made without notice to the respondent.

Jan Pickles says: "**Opportunities to intervene and protect a victim can come at unexpected times and places.**

Given the nature of domestic abuse however, such moments must be taken and can make the difference between life and death. We know that tragedies could have been prevented had appropriate action been taken. Consider the case of a victim who one day decided she could no longer carry on and sought help at a smoking cessation pop up at a tube station; the staff member

There are a number of protective measures in place to assist applicants. All hearings in the family courts are dealt with in private unless the court directs otherwise, so only the applicant and the respondent (and their legal teams) will be able to attend. Applicants are able to keep their address and telephone number private. The court is able to provide additional protection in the court building, including entering the court building by a side entrance, reserving a private waiting room, allowing screens in the courtroom and allowing evidence by video link, if requested by the applicant.

When deciding what order should be made, the court will consider whether the applicant and any relevant child is likely to suffer significant harm attributable to the conduct of the respondent (harm being defined widely to include both physical and mental harm). It will weigh this harm against any harm the respondent or any relevant child is likely to suffer if the order is made. The court will also consider both parties' housing needs, housing resources, the likely effect of any order or lack of order on the health, safety or wellbeing of the parties and any relevant child, and the conduct of the parties in relation to each other.

Once an order has been obtained, personal service of this order on the respondent is required and should be completed as soon as possible. The applicant should not serve the respondent personally.

**Breach of a non-molestation order is a criminal offence.**

A power of arrest can be attached to an occupation order if it appears to the court that the respondent has used or threatened violence, or that there is a risk of significant harm to the applicant or child, attributable to the respondent.

Alternatively, should a non-molestation or occupation order be breached, the applicant could apply for enforcement by committal. Before making this order, a court would consider if an alternative means of disposal would be more appropriate. The court has the power to commit to prison for up to 2 years, to suspend committal, or order a penalty/ fine. The court could also make a further order and add a power of arrest where appropriate".

agreed with the victim that she would call in again the next day for some specialist help. This was not a random act on the part of the victim, it was the only unmonitored moment she had in her day; however she never got the chance to come back because she was killed by her partner that night. This illustrates why staff and managers must know how to ask about and act in respect of domestic abuse".

## 10. Devising and implementing a domestic abuse policy

- 10.1 As part of the above-mentioned domestic abuse strategy (paragraph 7), we consider that it is essential to devise and embed a domestic abuse policy accompanied by a robust statement from the board and management within the organisation that this is an important issue for the employer and that the board accepts that some of the staff will be living in fear at home in abusive relationships. Equally, it will be helpful to make clear that your organisational culture is one of supporting staff, even if it is a problem occurring largely at home.
- 10.2 At Appendix 1, we provide a basic form template policy. As with any policy, a domestic abuse policy must be informed by the employer's overall strategy to the issue. It should be developed and 'owned' by the organisation by which we mean specifically tailored to the organisation, factoring in such issues as:
- 10.2.1 the size of the employer;
  - 10.2.2 whether you have multiple work sites;
  - 10.2.3 whether there are more risks due to lone working, isolated locations, night-time working, or a homogenous work force;
  - 10.2.4 whether there are certain categories of staff who routinely work from home;
  - 10.2.5 whether the organisation is one that involves working with children, young people or other vulnerable groups.
- 10.3 As with any policy, it must clearly set out the aims. What are you trying to achieve with this new policy?
- 10.4 If seeking to protect the whole workforce, we consider that the policy should apply to workers irrespective of their status. This includes full and part-time staff, those on fixed term contracts, interns, apprentices, agency workers and other temporary staff. It would also be useful to consult with any recognised trade union and have specialist domestic abuse input.
- 10.5 The new policy should be communicated to the work force through whatever channels the employer normally uses (intranet, updates from HR, 'town-hall' meetings, safeguarding training, equality training, staff bulletins and/or specific workshops).
- 10.6 The policy need not be overly long or complex. We have kept the policy at Appendix 1 deliberately short so that it is more user-friendly.
- 10.7 **It may be useful to have a one-page 'key messages' summary** so that victims can quickly see the support on offer. This would be linked to the more detailed policy which may be more helpful for managers and HR in the organisation.
- 10.8 As with any policy, it **should be accessible to all staff**, avoid legalese and use plain English. Consider whether making it available in other languages might be helpful.
- 10.9 Depending on the size of the organisation, reporting system and points of contact that are in place, the policy should preferably have a named individual(s) to contact in the business together with names and contact details of local specialist resources.
- 10.10 **It is critical that the domestic abuse policy, sits with and links to your suite of other policies such as the Code of Conduct (outlining expected standards of behaviour), harassment, anti-discrimination policies and safeguarding policies (where relevant and in organisations that work with children).**
- 10.11 The policy should be regularly reviewed in line with reviews of other HR and safeguarding policies and after an incident. This will ensure that the policy and practice worked well, or is updated if lessons are learned, whether from the case itself or legislative changes and other legal developments.
- 10.12 The policy can usefully highlight how the organisation can practically help and support victims of domestic abuse. For example, explain that specialist training has been given to holders of specific roles and that these people can be approached for guidance and support.
- 10.13 Consider including the fact that victims of domestic abuse may experience absence or performance problems and provide general guidance as to how these issues might be dealt with. As stated above, we would recommend that in such cases, an employer seeks to get to the root of a worker's performance or absence problem and takes a holistic approach factoring in all aspects of a person's circumstances. In the case of absence for example, this could be addressed by agreeing with a victim a certain amount of flexible working or paid leave, particularly if this is a short term, emergency measure, to help the victim. This would be a better scenario than a victim simply missing periods of work for unexplained reasons.
- 10.14 Safety at work: explain that the organisation will support workers to minimise the risk to their safety at work if they disclose to the employer that they are experiencing domestic abuse (see page 13 for information on safety plans).
- 10.15 Explain how the worker's confidentiality will be maintained, making clear with the use of examples the times when confidentiality may have to be breached.
- If you are concerned for your own or someone else's immediate safety, contact the police on 999. If you need advice or you want to report a case that is not an emergency, call 101.

## Help from the criminal system

Criminal law barrister Genevieve Woods says “the police can offer some support and protection for victims of abuse, including:

- making referrals for support services such as housing or counselling;
- assisting victims to apply for civil preventative orders and injunctions against their abuser; and
- pursuing prosecution.

Victims may be asked to give a written statement to the police and will usually be assisted by specially trained officers from the Domestic Violence Unit.

If a case proceeds to court, the defendant will either be kept in custody until the case is heard or will be released on bail, usually with mandatory conditions to prevent further offending, such as a ban on contacting the victim.

Prosecutors in the criminal courts have a duty to support victims of domestic abuse and they can do this in a number of ways, such as:

- keeping them informed about the progress of the case;
- making sure they are separated from their abusers in court;
- allowing them to give evidence in court by video link or from behind a screen.

In some cases, if victims are afraid to give evidence, the police can proceed with a prosecution without the support or involvement of the victim.

The police and prosecutors can also apply for preventative orders in the criminal courts, such as Restraining Orders or Domestic Violence Protection Orders, to stop the abuser from contacting the victim, to remove the abuser from the family home, or to impose other conditions to keep the victim safe. These orders can be made regardless of whether the defendant is convicted.”

## The Domestic Abuse Bill

Organisations should be aware of the changes that will take place once the Domestic Abuse Bill is in force. This new legislation will:

- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse;
- establish a Domestic Abuse Commissioner, to stand up for victims and survivors, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse;
- provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order;
- place a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation;
- prohibit perpetrators of abuse from cross-examining their victims in person in the family courts in England and Wales;
- create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal courts (for example, to enable them to give evidence via a video link);
- enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody;

- place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing (see below);
- ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy), this must be a secure lifetime tenancy;
- extend the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences.

### The Domestic Violence Disclosure Scheme (“Claire’s Law”)

The Domestic Violence Disclosure Scheme (DVDS), also known as ‘Clare’s Law’, is a scheme which enables the police to disclose information to a victim or potential victim of domestic abuse about their partner’s or ex-partner’s previous abusive or violent offending.

This existing scheme will be enshrined in law via the Domestic Abuse Bill so that further guidance will be available to police chiefs, who will have a legal duty to have regard to the guidance. There will be increased visibility of this existing scheme via the legislation, and it is hoped more consistency in the operation of the scheme.

## APPENDICES

Appendix 1    Template basic form  
domestic abuse policy

Appendix 2    Resources



## Appendix 1

### Template basic form domestic abuse policy

[Note: specialist legal and domestic abuse advice should be sought when writing and implementing a policy. This template is envisaged as being of assistance to management and HR, and, as recommended at paragraph 10.7 in the guide, employers should consider a one page summary of key messages raising awareness of the issue, outlining the employer's approach and noting the support on offer.]

#### Principles

1. [The employer] and its staff are committed to creating safe working environments, free from harassment, discrimination and abuse and increasing the safety and well-being of all staff.
2. Recognising the prevalence of domestic abuse in society, [the employer] fully expects that there may be colleagues amongst the workforce who are impacted by domestic abuse, be they:
  - (a) victims;
  - (b) individuals who are worried about a family member or friend;
  - (c) those who have experienced domestic abuse as a child; and
  - (d) perpetrators of abuse who may wish to voluntarily seek help to change their behaviour.
3. [The employer] wishes to make clear that anyone who needs support or who informs us of domestic abuse will be treated with dignity and respect and in a non-judgemental manner.
4. Colleagues who are enduring domestic abuse must feel free to talk without fear of stigma.

#### Policy

5. This policy sets out the actions that [the employer] will take when responding to a case of domestic abuse.
6. This policy applies to [every member of the workforce].
7. All colleagues will be made aware of the existence of this policy through a range of methods including induction, training, appraisal, leaflets and posters.
8. This policy is part of [the employer]'s commitment to family friendly working, and seeks to benefit the welfare of staff and retain valued employees.

#### Definition of domestic abuse and examples

9. Domestic abuse is the use of verbal, emotional, physical, sexual, financial, psychological abuse in an intimate, family relationship (or previous relationship), including controlling behaviour, undermining of self-confidence or threats of violence. Abuse can take many forms and is rarely a one-off incident.
10. Domestic abuse can happen to anyone regardless of age, gender, sexual orientation, race, religion, social status or income.
11. [Consider including related definitions for 'honour' based violence, female genital mutilation (FGM) and forced marriage].

#### Identification of domestic abuse

12. The following signs may indicate that a colleague may be a victim of domestic abuse:
  - 12.1 The member of staff may confide in their colleagues or manager.
  - 12.2 Staff may disclose that a colleague is suffering from domestic abuse.
  - 12.3 There may be (but not always):
    - 12.3.1 visible, unexplained injuries;
    - 12.3.2 inappropriate or excessive clothing;
    - 12.3.3 lack of money;
    - 12.3.4 sleep deprivation;
    - 12.3.5 repeated and unwanted calls, messages, visits at work.
  - 12.4 Perpetrators may be using workplace resources, such as their email account, phone or stationery, to commit abuse.
  - 12.5 Domestic abuse may come to light because of:
    - 12.5.1 a drop in an employee's performance, lateness, presenteeism or absenteeism;
    - 12.5.2 a change in behaviour (such as low morale, low self-esteem, anxiety, avoiding socialising).

13. Managers should address issues holistically, positively and sympathetically ensuring that the staff member is aware that support and assistance can be provided.

### Confidentiality and right to privacy

14. [The employer] respects all colleagues' right to privacy, right to a family and personal life and confidentiality.
15. Whilst [the employer] strongly encourages victims of domestic abuse to disclose domestic abuse for the safety of themselves and colleagues, it does not oblige them to share this information if they do not want to.
16. [The employer] does however, require perpetrators of domestic abuse to declare any criminal investigations [at the outset of those investigations and provide updates throughout], or Court Orders related to domestic abuse or related prosecutions.
17. Colleagues who disclose that they are enduring domestic abuse as victims can be assured that the information they provide is confidential and will not be shared with other members of staff or external agencies without their permission unless in exceptional circumstances where it appears to the employer there is an immediate risk of harm to a child or to staff members.
18. As far as possible, information will only be shared on a need-to-know basis.
19. As with any sensitive records, all records concerning domestic abuse will be kept strictly confidential.

### Disclosure of abuse

20. Staff experiencing domestic abuse may choose to disclose the matter to a close colleague, line manager, HR or a trade union representative. [Staff members are encouraged to seek support and advice from the Nominated Champions, who have received specialist training and who can access further support via HR.]
21. Colleagues will not make judgments on the situation or offer their personal opinions but will offer information, support and signpost the victim to either [nominated individuals in the organisation or sign post to external agencies].
22. [Name of department or individual] has been nominated as the point of contact for all colleagues who wish to seek guidance and indeed those who wish to make a disclosure of domestic abuse on their own or another person's behalf.
23. [The employer] encourages all staff to report onwards if they suspect a colleague is experiencing or perpetrating domestic abuse.

24. Employees can speak to their manager about their concerns in confidence. When dealing with a disclosure from a colleague, [the employer] will ensure that the person is made aware of the existence of this policy.
25. Employees are reminded not to divulge a colleague's personal details (such as addresses, telephone numbers, working hours, lunch breaks, shift patterns) to other employees or unknown people requesting the information.
26. Sources of confidential internal and external support which are available to all staff can be found on the intranet [or can be provided by the trained members of staff named at paragraph 34 below. They can also be found at the end of this policy].

### Practical help for individuals experiencing domestic abuse

27. Victims of domestic abuse should know that there is help and support available and that this can be given on an ongoing basis.
28. [The employer] will ensure that colleagues who are victims of domestic abuse are never discriminated against or stigmatised for experiencing domestic abuse. [The employer] will also ensure they are not disciplined because they refused support.
29. If a colleague discloses domestic abuse during formal procedures in relation to performance management, other disciplinary issues or absenteeism, then this will be taken into account.
30. Managers may offer colleagues experiencing domestic abuse a broad range of support. This may include, but is not limited to:
  - 30.1 Special paid leave [for up to a maximum of [insert number of days] for relevant appointments, including with support agencies, lawyers, or to rearrange housing or childcare, and for court appointments.
  - 30.2 Creation of a safety plan which may include the following:
    - 30.2.1 temporary or permanent changes to working times and patterns;
    - 30.2.2 changes to specific duties, for example to avoid potential contact with an abuser in a client or public facing role;
    - 30.2.3 redeployment or relocation;
    - 30.2.4 changes to contact details such as telephone numbers and email addresses to avoid harassing phone calls and messages;

- 30.2.5 using other existing policies, including flexible working to assist in the situation;
  - 30.2.6 access to occupational health or other specialist support services in paid time, and other options such as counselling;
  - 30.2.7 an advance on pay.
31. It is recognised that the staff member may need some time to decide what to do, whether to accept any support on offer and may try different options or a combination of the available support.
32. [The employer] will work with the staff member and a specialist agency (with the staff member's consent) to identify what actions can be taken to increase their personal safety, as well as address any risks there may be to co-workers, taking into account the duty of care to all staff members. This may include taking reasonable measures from improving security or changing locks/passwords, to ensuring any incidents are recorded in writing.
33. [If a manager is unsure how to approach a domestic abuse related issue, they should take further confidential advice from the HR team].
34. [Points of contact/Nominated Champions: [insert names or departments]] are trained members of staff able to offer appropriate responses to victims and perpetrators of domestic abuse. Their role is to:
- 34.1 be available and approachable;
  - 34.2 take time to listen, reassure and support the employee;
  - 34.3 respond in a sensitive and non-judgmental manner;
  - 34.4 discuss how the organisation can support the employee;
  - 34.5 ensure the employee knows what options are available to them;
  - 34.6 make appropriate referrals where there are immediate risks and where it is clear HR or management must be involved in the matter, for example dealing with a perpetrator in the workforce.
- Perpetrators of domestic abuse**
35. Domestic abuse perpetrated by any staff member, regardless of seniority or position in the organisation, will not be tolerated or condoned under any circumstances nor will it be treated as a private or personal matter. [The employer] recognises that it has a role in encouraging and supporting employees to address abusive behaviour of all kinds.
36. If a staff member approaches [the employer] about their abusive behaviour, [the employer] will provide information about the services and support available to them, and will encourage the perpetrator to seek support and help from an appropriate source [and update the employer as to their progress].
37. [The employer] will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case-by-case basis with the aim of reducing risk and supporting meaningful change.
38. When considering an allegation, [the employer] will keep in mind the following:
- 38.1 providing specialist, safety-focused counselling;
  - 38.2 identifying risk;
  - 38.3 any police investigation of a possible criminal offence;
  - 38.4 disciplinary action.
39. [The employer] views the use of violence and abusive behaviour by any colleague, wherever this occurs, as a breach of the organisation's Code of Conduct.
40. [The employer]'s Code of Conduct clearly informs all staff of the standards of conduct expected at all times. [The employer] expects all colleagues at all times to present high standards of personal integrity and conduct themselves in a way that will not reflect adversely on the organisation and its reputation.
41. [The employer] is committed to ensuring that:
- 41.1 allegations will be dealt with fairly, efficiently and in a way that provides support for the individuals involved;
  - 41.2 confidentiality will be maintained, save in the cases where [the employer] considers there is an immediate risk to any person's health and safety;
  - 41.3 information will be restricted to a need-to-know basis;
  - 41.4 investigations will be thorough and independent.
42. The alleged perpetrator will be:
- 42.1 treated fairly;
  - 42.2 helped to understand the concerns expressed and process involved;
  - 42.3 kept informed of the progress, the outcome of any investigation and the implications of any disciplinary process;
  - 42.4 advised to contact their lawyer, trade union or professional association.

43. If any colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones or email accounts then they will be treated as having committed a disciplinary offence.

#### External sources of support

- Police – if you are concerned for your own or someone else’s immediate safety, ring 999.
- Freephone 24-hour National Domestic Violence Helpline (run in partnership between Women’s Aid and Refuge) – if you or someone you know needs help, call 0808 2000 247 or email [helpline@womensaid.org.uk](mailto:helpline@womensaid.org.uk). The helpline is a member of Language Line and can provide access to an interpreter for non-English speaking callers. The helpline can also access the BT Type Talk Service.
- National LGBT Domestic Abuse Helpline – if you or someone you know is LGBT+ and experiencing domestic abuse, you can call 0800 999 5428 Monday to Wednesday 10am to 5pm, Thursday 10am to 8pm, Friday 1pm to 5pm and Sunday 12pm to 4pm. Tuesday from 1pm to 5pm is a trans specific service. Email: [help@galop.org.uk](mailto:help@galop.org.uk). Online chat: Saturday and Sunday 3pm to 7pm.
- Men’s Advice Line – if you or a friend are a man experiencing domestic abuse, you can also call 0808 801 0327 Monday to Friday, 9am to 5pm or email: [info@mensadvice.org.uk](mailto:info@mensadvice.org.uk).
- Respect Phonenumber – if you are worried about your behaviour towards your partner, or if you have been abusive or violent, call 0808 802 4040 (free from landlines and most mobile phones). Monday to Friday 9am to 5pm. You can leave a message when the lines are closed or busy and they will get back to you within two working days. Email: [info@respectphonenumber.org.uk](mailto:info@respectphonenumber.org.uk) [www.respectphonenumber.org.uk](http://www.respectphonenumber.org.uk).
- [Provide local contact details for: police, social services, housing advice, drug and alcohol advice, GPs and health visitors, perpetrators’ programme providers]

## Appendix 2

### Resources

Sources of advice:

The [National Domestic Abuse Helpline](#) is a free 24-hour confidential helpline for those experiencing domestic abuse, run by an all-female, expert team. It is run in partnership by Refuge and Women's Aid. The helpline is a member of Language Line and can provide access to an interpreter for non-English speaking callers. There is also an online chat function from Monday to Friday 3pm – 6pm (Contact number: 0808 2000 247; Email: [helpline@womensaid.org.uk](mailto:helpline@womensaid.org.uk); online referral form: available [here](#)).

[SafeLives](#) is UK-wide charity dedicated to ending domestic abuse, for everyone and for good. It works with organisations across the UK to transform the response to domestic abuse (see dedicated [resources for employers pages](#)).

[Refuge](#) is the UK's largest single provider of specialist domestic and gender-based violence services to women, children and men experiencing domestic violence (Contact number: 020 7395).

[Women's Aid](#) is a national charity working to end domestic abuse against women and children. It is a federation of frontline domestic abuse services and provides support through campaigning work. In addition to running the National Domestic Abuse helpline, there is also a Live Chat function available from Monday to Friday 10am – 4pm, and Saturday and Sunday 10am – 12pm (Email: [helpline@womensaid.org.uk](mailto:helpline@womensaid.org.uk) or [info@womensaid.org.uk](mailto:info@womensaid.org.uk); Live Chat: available [here](#)).

[Rapecrisis](#) is an organisation that supports the work of Rape Crisis Centres across England and Wales. They also raise awareness and understanding of sexual abuse. There is a national helpline every day of the year 12pm – 2:30pm and 7pm – 9:30pm, and a free, anonymous text-based chat with a specialist operator for women and girls from Monday and Tuesday 2pm – 4:30pm, 6pm – 9pm, Wednesday 12pm – 2:30pm, 6pm – 9pm, Thursday 12pm – 2:30pm, 6pm – 8:30pm, Friday Wednesday 9am – 11:30am (Contact number: 0808 802 9999; Email: [rcewinfo@rapecrisis.org.uk](mailto:rcewinfo@rapecrisis.org.uk); Live Chat Helpline: available [here](#)).

[Galop](#) is a LGBT+ anti-violence charity which provides domestic abuse support services to LGBT+ victims/survivors, including a National LGBT+ Domestic Violence Helpline on Monday, Tuesday and Friday 10am – 5pm, and Wednesday and Thursday 10am – 8pm. There is also an online chat function on Wednesday and Thursday 5pm – 8pm. Please note that Tuesday 1pm – 5pm is a trans specific service (Contact number: 0800 999 5428; Email: [help@galop.org.uk](mailto:help@galop.org.uk); Online chat: available [here](#) at bottom right hand corner of the screen).

[Karma Nirvana](#) is a British human rights charity supporting victims of honour-based abuse and forced marriage. They run a national helpline providing direct support and guidance to victims and professionals from Monday to Friday 9am – 5pm (Contact number: 0800 5999 247; Email: [info@karmanirvana.org.uk](mailto:info@karmanirvana.org.uk)).

[Rights of Women](#) offers free legal advice and information to help women understand the law and their legal rights, including a specific advice line (Contact number: 020 7490 0152) on sexual harassment at work – please note the opening hours for this line are subject to change (General contact number: 020 7251 6575; Email: [info@row.org.uk](mailto:info@row.org.uk)).

[Hestia](#) delivers services across London and the surrounding regions, as well as campaign and advocate nationally on issues that impact the people it works with. This includes victims of modern slavery, women and children who have experienced domestic abuse, young care leavers and older people. It supports people at times of crisis in their lives. (Contact number: 020 7378 3100; Email: [info@hestia.org.cjsm.net](mailto:info@hestia.org.cjsm.net))

[Survivors UK](#) offer individual counselling, group work and helpline services for survivors of sexual violence who identify as male, trans, non-binary or have identified as male in the past, as well as their friends and family. The online helpline is available Monday to Sunday 12pm – 8pm via the website, SMS on 020 3322 1860 and WhatsApp on 074 9181 6064 (General contact number: 020 3598 3898; Email: [help@survivorsuk.org](mailto:help@survivorsuk.org); Online helpline: available [here](#)).

## Appendix 2

### Resources

#### Continued

Respect is a charity set up to provide advice and support for perpetrators of domestic violence, men affected by domestic abuse and young people who experience violence in close relationships, as well as their partners/ex-partners, families, colleagues and friends (Contact number: 0800 8024040; Email: [info@respectphoneline.org.uk](mailto:info@respectphoneline.org.uk)).

Men's Advice Line is run by Respect and provides support for men experiencing domestic violence via phone and email from Monday to Friday 9am – 8pm and email only on Saturday and Sunday 10am – 12pm and 4pm – 6pm. There is also an webchat function from Wednesday to Friday 10am – 11am and 3pm – 4pm (Contact number: 0808 801 0327; Email: [info@mensadvice.org.uk](mailto:info@mensadvice.org.uk); Webchat: available [here](#)).

Samaritans is a charity for anyone who is struggling to cope, who needs someone to listen without judgement or pressure. Contact number (Free phone): 116 123 or [jo@samaritans.org](mailto:jo@samaritans.org)

Employers' Initiative on Domestic Abuse is a growing network of businesses with the aim of enabling employers to take action on domestic abuse, whether raising awareness among all employees, supporting those facing domestic abuse or providing access to services to help perpetrators to stop abusing (Membership form: available [here](#)).

Helpful resources:

Women's Aid: the Survivor's Handbook: The Survivor's Handbook provides practical support and information for women experiencing domestic abuse, with simple guidance on every aspect of seeking support.

The Domestic Abuse Report 2020: The Annual Audit was researched, written and published by Women's Aid. It presents an overview of the domestic abuse support services available in England and information on the provision and usage of domestic abuse services in England during the financial year 2018 – 2019.

Domestic abuse: workplace policies and managing and supporting employees was produced by the Equality and Human Rights Commission Guidance for employers in the public sector in Wales. It includes links to relevant guidance, such as developing a workplace policy for violence against women.

Domestic violence and abuse: a trade union issue was produced by UNISON, the public service union. The guide addresses questions such as why domestic abuse is a trade union issue and what UNISON and its branches can do.

We Can't Consent to This is a campaign which is responding to the increasing numbers of women and girls who are killed and injured in violence which is claimed to be consensual. On the website, you can support the campaign and read the stories of such women and girls.

Domestic Abuse Bill 2020: factsheets is published on the government website and provides more information about each of the provisions in the Domestic Abuse Bill.

Domestic abuse: get help during the coronavirus (COVID-19) outbreak is guidance from the Government including on Coronavirus (COVID-19) and domestic abuse, recognise domestic abuse, report it, get help if you, or someone you know, is a victim, economic abuse, technological abuse, welfare benefits and housing advice, get help if you think you may be an abuser, support for employers and professionals, get legal help, if you don't have settled status in the UK and more support materials.

Domestic Abuse COVID-19 Campaign: 'Partner Pack' was produced in April 2020 by the Home Office in collaboration with key partners and charities to launch a new national campaign to raise awareness that there is still support available for victims of domestic abuse.

COVID – 19 Advice for friends, family, neighbours and community members on domestic abuse, sexual violence and other forms of gender-based violence was produced in partnership by organisations such as Women's Aid and Respect. It provides guidance to friends, family, neighbours and community members of victims/survivors given the increase in gender-based violence during the Covid-19 crisis and the pressure that related services are under.

## Appendix 2

### Resources

#### Continued

[Responding to colleagues experiencing domestic abuse](#) is published by the Department for Health and Safe Lives and offers practical guidance for line managers, Human Resources and Employee Assistance Programmes.

[Strategy to end violence against women and girls: 2016 to 2020](#) is a policy paper published by the Home Office, which sets out the actions the government is taking in its strategy of ending violence against women and girls.

[Domestic abuse: a toolkit for employers](#) is a toolkit produced by Business in the Community, the Prince's Responsible Business Network, in association with Public Health England. It is intended to help employers understand the issues around domestic abuse, acknowledge their responsibility to address such abuse and make a commitment to respond to it.

[UN Women, Ending Violence Against Women](#) works with countries globally to advance the international normative framework through support provided to inter-governmental processes. At the country level, UN Women supports governments in adopting and enacting legal reforms aligned with international standards. This interactive page on [Violence Against Women](#) sets out the facts on domestic abuse and other violence against women that everyone should know (Contact number: 001 646 781 4400).

The [Sexual Harassment and other forms of harassment at work guidance](#) was released by the Equality and Human Rights Commission to help employers, workers and their representatives understand the extent and impact of harassment in the workplace, the law in this area and the best practice for effective prevention and response.

## About the Authors



### Maria Strauss

#### Partner, Farrer & Co

Maria Strauss is a Partner in the Farrer & Co Safeguarding Unit and Employment Team. She has led on the development of this guide for employers. Maria is an employment law and safeguarding specialist and advises clients on everything from steering them through a major crisis or representing their interests during investigations and public inquiries, to handling one off cases and day to day advice. Maria acts in complex cases often involving allegations of sexual abuse and misconduct (but also other forms of abuse, most recently racial and domestic abuse). Her cases often involve working closely with other specialists in the field. Maria has acted in several sexual harassment cases for employers and has advised organisations on numerous major independent investigations into abuse and misconduct from establishing these through to a final report and beyond.

#### Contact information:

[Maria.Strauss@farrer.co.uk](mailto:Maria.Strauss@farrer.co.uk)

0203 375 7259

+44 (0)7920 711 771

<https://www.linkedin.com/in/maria-strauss-476b386b/>



### Jan Pickles OBE

Jan Pickles is an experienced social worker and has worked in the Probation Service, the police, government and third sector. Jan led the development of the multi-agency risk assessment conference (MARAC) reducing the risk for adults and children who experience domestic and sexual violence and abuse. Jan is a member of the Velindre NHS Trust, the Contextual Safeguarding Advisory Board and the Centre for Expertise in Child sexual abuse Advisory Board. Jan has a thriving safeguarding consultancy business working for Local Authorities, charities and the private sector, most recently working as part of the review teams on historic sexual abuse in football and the Church.

#### Contact information:

[janpickles@btinternet.com](mailto:janpickles@btinternet.com)

+44 (0)7961 024 888

<https://uk.linkedin.com/in/jan-pickles-obe-316b0682>

## About Us

Headed by David Smellie, the Farrer & Co Safeguarding Unit has been at the forefront of advising organisations on safeguarding since the inception of the current statutory regime in the early 2000s.

The aim of the Safeguarding Unit is to enable organisations to ensure in so far as is possible the safety and wellbeing of the children or adults in their charge. We do this by enabling organisations to respond to scrutiny and comply with law in this area, implementing best practice and cultural change where required, and handling cases (whether live or non-recent) appropriately and with sensitivity.

In the words of Jan Pickles OBE, of the National Safeguarding Board of Wales, “robust safeguarding of children requires more than just a knowledge of the law, but a real commitment to keeping children safe. This is threaded through the approach at Farrers. I have found the Safeguarding Team to be accessible, generous with their knowledge and values driven. Working with the team has been a real pleasure.”

Our Safeguarding Unit consists of a team of lawyers from across different disciplines in the firm including safeguarding and child protection, education and employment, media and data protection, charity and family, regulatory and public law.

For further information please go to: <https://www.farrer.co.uk/legal-services/safeguarding-and-child-protection/>

## Acknowledgements

With thanks to [Sarah Hutchinson](#), Partner, Farrer & Co, [Suzanna Eames](#), Associate, Farrer & Co, [Xinlan Rose](#), Associate, Farrer & Co, [Janine Roderick](#), SafeLives, [Genevieve Woods](#), Barrister, Three Raymond Buildings, [Sophie Beesley](#), Barrister, Old Square Chambers, [David Smellie](#), Head of the Safeguarding Unit, Farrer & Co, all of whom contributed their knowledge and insights into this guide.

**This publication is a general summary of the law. It should not replace legal advice tailored to your specific circumstances.**

© Farrer & Co LLP, September 2020

Farrer & Co LLP  
66 Lincoln's Inn Fields  
London WC2A 3LH

+44(0)20 3375 7000  
[insights@farrer.co.uk](mailto:insights@farrer.co.uk)  
[www.farrer.co.uk](http://www.farrer.co.uk)

F&  
Co