GENDER-BASED VIOLENCE POLICY

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CONSULTATION AND DISTRIBUTION RECORD

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Distribution:

• NHS Lanarkshire Intranet: Firstport

CHANGE RECORD

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<td>10/05/18</td>
<td>Deputy HRD</td>
<td>Policy revised against GDPR legislation – no change required</td>
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<td>Para 4 re risk and consent renaming EVA to GBV</td>
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1. INTRODUCTION

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

1.2 Although primarily experienced by women, the policy recognises that men too can experience abuse. Appendix 1 details definitions of and prevalence of Gender Based Violence.

1.3 Given its prevalence within the wider population, and the size of the workforce in NHS Scotland, it is inevitable that a significant number of NHS employees will have experience of some form of abuse, past or current. It is further recognised that a number will be perpetrators.

1.4 Given the disproportionate impact on women and girls, Gender-Based Violence is one of the most sensitive indicators of gender inequality. As such, implementation of this policy will assist NHS Lanarkshire to meet its legislative obligations to promote gender equality under the Equality Act 2010.

1.5 As well as being rooted in gender inequality, Gender-Based Violence cuts across boundaries of ethnicity, age, disability, sexual orientation, religion and belief. The policy will therefore also contribute to Boards’ legal requirements in relation to these other aspects of the Equality Act.

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

1.7 Allegations of abuse made against employees could have potential implications for their employment role and could breach organisational and professional codes of conduct.

2. AIM, PURPOSE AND OUTCOMES

2.1 To raise awareness of GBV as a serious health and social issue, highlighting its hidden nature and the impact on those affected by it;

2.2 To send a positive message to employees with experience of abuse that they will be listened to and supported;

2.3 To project a clear signal that the actions of employees who perpetrate abuse, within or outside the workplace, is unacceptable;
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2.4 To provide a framework for addressing the behaviour of employees who may be perpetrators of abuse and who may pose a risk to other employees or patients within the context of their work;

2.5 To clarify the scope for managers to interpret and apply provisions within existing NHS policies when responding to Gender-Based Violence;

2.6 To create a potential cost benefit for NHS Lanarkshire, by contributing to the reduction of absence related costs and increased productivity;

2.7 To improve the organisation’s reputation by formally recognising and responding to Gender-Based Violence as a serious workplace issue.

3. SCOPE

3.1 Who is the Policy intended to Benefit or Affect?
All Employees of NHS Lanarkshire.

3.2 Who are the Stakeholders?
Employees of NHS Lanarkshire.

4. PRINCIPAL CONTENT

NHS Lanarkshire is committed to creating an environment where employees are safe to disclose their experience of abuse in order to access support and increase safety for themselves and others. The right of staff not to disclose is respected and employees should not be pressured into sharing information they do not wish to.

All disclosures of abuse experienced by employees must be treated confidentially. Domestic abuse is recognised as a risk factor in the lives of individuals and others e.g. children. This does not mean that every case requires an escalated, immediate response and indeed this can be unsafe when not carefully considered. Where circumstances indicate a significant or immediate risk of harm to the individual or others those circumstances should be assessed and public protection procedures considered e.g. child protection. To ensure the individual is empowered throughout the referral process it is good practice to sensitively advise them that their case will be discussed by the appropriate agencies. However, in circumstances where it could be harmful to advise them of this, ie where there could be immediate or significant risk as a result of notifying them, then a decision could be taken to withhold notification.

Where information is made available about employees who are alleged to be perpetrators of abuse, advice must be sought from the HR department on how to proceed.

NHS Lanarkshire is committed to creating a working environment where staff affected by abuse feel confident that support and advice is available from a range of sources. The specific responsibilities are;
NHSL GBV Services will provide

- specialist information and support to staff with experience of abuse
- specialist information and guidance for managers and other individuals involved in the application of this policy

The line manager is responsible for:

4.1 Being aware of the possibility that staff members could be affected by past or current abuse;
4.2 Recognising potential signs of abuse;
4.3 Initiating discussion if you have concerns about abuse;
4.4 Responding sensitively to disclosure;
4.5 Helping your staff member assess their level of risk and devise a safety plan in cases of domestic abuse;
4.6 Considering what workplace supports you could provide within the scope of current NHS policy provisions;
4.7 Providing information about other sources of help;
4.8 Keeping good records, documenting discussion and actions taken, ensuring that information is stored confidentially.

The Occupational Health Department is responsible for

- Offering pathways to advice and support to members of staff who have experienced abuse
- Liaison with managers regarding the wellbeing of staff covered by this policy
- Provide information to perpetrators of abuse regarding advice and support about their behaviour

The Human Resources Department is responsible for

- Providing Guidance to managers or individuals on the application of this policy
- Providing advice to Managers or individuals on other related and relevant policies

Staff Side

- Staff Side Representatives may operate as a confidential Contact or initial contact for staff who have experience of abuse
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- Staff Side Representatives may operate as a confidential contact for alleged perpetrators of abuse. In this situation, staff side representatives could not undertake a representation role should the matter be dealt with under the Employee Conduct Policy

5. RESOURCE IMPLICATIONS

There will be resource implications with respect to training and communication relating to this policy. It is anticipated that much of this will be met from within existing GBV programmes, however a requirement to release staff to undertake appropriate learning must be recognised. There will also be a financial impact relating to the provision of practical assistance provided to staff who have experience of abuse

6. COMMUNICATION PLAN

- This policy will be launched using the weekly staff briefing and it will be available on Firstport.
- This policy will also be discussed at the appropriate management team meetings and local partnership fora.
- Staff within HR will be briefed on the content of the policy.

7. QUALITY IMPROVEMENT – Monitoring and Review

This policy will be reviewed every 3 years via the Joint Policy Forum

8. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

This policy meets NHS Lanarkshire’s EDIA

(tick box)
Gender-Based Violence – Definition & Prevalence

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

**Domestic abuse**, is a pattern of assaultive and coercive control, including emotional, sexual, psychological and physical abuse that affects between 1 in 3 and 1 in 5 women over the course of their lives.34
- Of 60,080 domestic abuse incidents reported to Scottish police in 2012/13, 80% of victims were female.35 Although men too experience domestic abuse, women are much more likely to experience repeated incidents over time, have greater injuries, and suffer more psychological and sexual violence.36
- In around 2 in 5 domestic abuse cases, there is also childhood physical and sexual abuse by the same perpetrator.
- There is evidence that domestic abuse within same sex relationships is common and could be higher than 1 in 3 according to a 2006 study.37

**Child sexual abuse** is defined as exploitation of a young person by an individual for their own or others’ sexual gratification. It is physically and emotionally abusive and often involves serious and degrading assault.
- 21% of girls and 11% of boys have experienced child sexual abuse.38

**Rape and sexual assault** is defined as unwanted or coerced sexual activity, including anal, oral or vaginal penetration, sexual touching; usually committed by a man known to the victim.
- 36% of Lanarkshire referrals to EVA Services for 2014-15 disclosed experiences of sexual assault or rape.39

**Commercial sexual exploitation** includes prostitution, pornography, lap dancing and sex trafficking.
- One in two women in prostitution become involved at the age of 18 or younger.40
- There are 4,000 victims of trafficking for sexual exploitation in the UK.41

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Harassment and stalking is defined as unwanted, persistent often threatening attention, e.g. following someone, constantly phoning, texting or e-mailing at home or work.

• There are clear links between stalking and domestic abuse: 39% of stalking perpetrators were partners or ex-partners.

Harmful traditional practices include: female genital mutilation, forced marriage and so-called ‘honour’ crimes which are culturally condoned as part of a tradition. These are likely to be a contribute to domestic abuse or the basis for it.

Forced marriage is a marriage which takes place against the wishes of either or both parties. This is not the same as an arranged marriage, where the individuals have a free choice as to whether to proceed. In 2014 the UK Forced Marriage Unit dealt with 1267 cases of forced marriage. 86% of these were women and 14% men.

‘Honour’ crimes constitute violence excused as a form of punishment for behaviour which is perceived as deviating from what the family or community believes to be the ‘correct’ form of behaviour, sometimes referred to as ‘family honour’.

Female genital mutilation – sometimes called cutting, or incorrectly known as female circumcision, an estimated 66,000 women living in the UK have undergone female genital mutilation.

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39 EVA Services, LADP Annual Report 2014-5
43 Forced Marriage Unit.https://www.gov.uk/forced-marriage#statistics-on-forced-marriage-collected by fmu