

DOMESTIC ABUSE POLICY

Date policy adopted: 01/06/21

Date of last review: 01/06/21

1. Purpose and Scope

The Ethical Standards Commissioner (ESC) is committed to providing a safe and healthy working environment and aims to support all employees as far as reasonably practicable to achieve and maintain a positive state of mental health and wellbeing. This includes being able to live a life free from fear or abuse in any form and therefore, in recognition of the severe and damaging consequences on all aspects of the lives of victims of domestic abuse, including their working lives, appropriate support and assistance will be given to any employee who is experiencing it.

This policy applies to all employees regardless of working pattern or nature of employment contract. It will not apply to others carrying out work on behalf of ESC (agency staff, contractors etc) who will be governed by the contract under which they have been employed or contracted.

2. Definition of Domestic Abuse

The Scottish Government defines Domestic Abuse as follows:

“Domestic abuse is controlling, coercive, threatening, abusive, degrading and/or violent behaviour (including sexual violence) perpetrated by a partner or an ex-partner.

Domestic abuse can include, but is not limited to:

- ***coercive control (a pattern of intimidation, degradation, isolation and control)***
- ***physical, verbal and/or emotional abuse***
- ***sexual abuse***
- ***financial abuse***
- ***harassment***
- ***stalking”***

The Domestic Abuse (Scotland) Act 2018 creates a specific offence of domestic abuse that covers not just physical abuse but also other forms of abuse, including psychological abuse and coercive and controlling behaviour.

3. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with ESC. Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or a change to the ESC policy position requires it. The policy will be made available to the general public.

4. Senior Management Team Commitment

The senior management team are committed to promoting a safe and healthy work environment and will provide information and guidance on where and how to seek assistance to any employee who is either experiencing domestic abuse or knows someone else who is experiencing it.

The senior management team will take domestic abuse into account as part of its' consideration of the overall mental health wellbeing of employees.

Where it is discovered that there is a concern about an employee, a member of the senior management team will:

- Discuss the issue with the employee as confidentially and privately as possible;
- provide appropriate practical support to assist the colleague in managing their situation;
- explore what action can be taken to help the colleague to stay safe in the workplace;
- Provide access to support services where assistance to change behaviour is sought voluntarily by perpetrators of domestic abuse.

5. Expectations

It is expected that all employees:

- If experiencing domestic abuse, will give serious consideration to confiding in a member of the senior management team so that help and support can be provided and any risk to them, particularly within the working environment, can be considered and mitigated;
- Where they have concerns about another employee, will:
 - Support that employee in any way that they can, and as confidentially as possible, encouraging them to confide in a member of the senior management team and providing them with information on help and support agencies; and
 - Be aware of the possible impact on their own mental health while supporting their colleague and refer to the ESC mental health policy, seeking help if necessary.

6. Breaches of the Policy

Any allegation of domestic abuse being perpetrated by an ESC employee in working time and / or through use of ESC resources will be investigated and may be subject to disciplinary proceedings under the disciplinary policy. Depending on the nature and severity of such behaviour, it may be considered as gross misconduct and if the charge against them is well founded, it is possible that the employee may be dismissed without notice.

Where an employee has admitted voluntarily to being a perpetrator of domestic abuse and has sought help, this will be considered as part of any disciplinary proceedings being brought as a result of the paragraph above.

Domestic Abuse is also a criminal offense and it may be necessary, depending on the severity of the abuse that is made known to the senior management team, to report the abuse to the police.

Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)?

This policy applies to all employees. Its impact was considered when drafting. We consulted with all employees prior to publication to identify and address any issues.

Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data?

The records generated by this policy will contain personal data and may contain sensitive and special category personal data. Suitable retention and destruction policies are in place to manage this material.

Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

This policy should have no impact on our cyber-resilience.

Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

Version	Description	Date	Author
1.0	First draft	01/06/21	Public Appointments Officer