



Gender Based Violence Policy

Gender Based Violence Policy

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Presented to CJWG 28/03/18

Midlothian – A Great Place to Grow

Midlothian's vision of "A Great Place to Grow" has been developed and agreed with our community partners. It represents our desire to support the communities of Midlothian to grow and prosper for the future.

"A Great Place to Grow" is about building success for the future and this will mean different things to different people. As employees we hope this will mean that Midlothian is a great place to work and grow your career.

In order to support the Great Place to Grow vision we have outlined the behaviours expected from us all. There are 3 key areas of focus:

- Community how we work with our service users and partners
- Colleague how we work with each other
- Culture how we do things in the Council

These behaviours should be core for us all as we make Midlothian "A Great Place to Grow".

At Midlothian Council we are relentless in our pursuit of delivering excellence to our communities. We work hard to be a high performing, customer focused, modern local authority with valued, talented people working together to make a difference.

1.0 Policy Context

1.1 Purpose

Midlothian Council, East Lothian Council and the Trade Unions unequivocally condemn Gender Based Violence, also known as Violence Against Women and Girls, in all its forms.

Although primarily experienced by women, the policy recognises that men too can experience abuse and that it can be perpetrated within same sex relationships.

We also aim to ensure that the protection of our staff is a key aspect of our commitment to Public Protection. For this reason we believe it is essential to have a positive Policy which recognises the impact of violence against women and girls on the workplace.

This Policy and Procedure has been created to promote the welfare of staff affected by current or previous experience of Gender Based Violence (GBV), which includes Domestic Abuse. In addition, this Policy and Procedure will support Midlothian and East Lothian Councils to respond effectively to employees who may be perpetrators of such abuse.

The basic principle of this policy is that all employees are valued and have a right to work in an environment that is safe, promotes equality, dignity at work and encourages individuals to treat each other with respect

1.2 Scope

This Policy and Procedure applies to all Council employees, including fixed term employees, and workers engaged on the Council's casual or supply register. It also applies to those contracted to work for Midlothian Council. Throughout this Policy 'employee' refers to all these groups of individuals. Midlothian and East Lothian Councils are committed to ensuring that all employees have equitable access to the provisions of this policy.

1.3 Aims

The creation of a specific Policy on Gender Based Violence demonstrates the Councils' commitment to improving the safety and welfare of all staff affected by abuse.

By having an explicit Policy the Council aims to:

- Raise awareness of gender based violence as a serious health and social issue, which impacts on the workplace, highlighting its hidden nature and the impact on those affected by it;
- Send a positive message to employees with experience of abuse that they will be listened to and supported;
- State that it is unacceptable for employees to perpetrate abuse, within or outside the workplace;
- Provide a framework for managers to address the behaviour of employees who may be perpetrators of abuse and who may pose a risk to other employees or service users, within existing Council Policies eg Disciplinary Policy;
- Provide a framework for managers to sensitively apply provisions within existing Council policies e.g. Absence Management, when responding to employees who experience Gender Based Violence.

2.0 GENDER BASED VIOLENCE

2.1 Definition of Gender Based Violence

Gender Based Violence (GBV) is an umbrella term that encompasses a spectrum of abuse experienced disproportionately by women and perpetrated predominantly by men.

It is defined within Equally Safe 2016: Scotland's strategy for preventing and eradicating violence against women and girls, as follows:

'Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence and women who are predominantly the victims of such violence. By referring to violence as "gender based" this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'

Our definition of gender based violence, which is based on the United Nations Declaration on the Elimination of Violence Against Women. '

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'Violence against women and girls encompasses (but is not limited to):

- *Physical, sexual and psychological violence occurring in the family (including children and young people) within the general community or in institutions, including domestic abuse, rape and incest;*
- *Sexual harassment, bullying and intimidation in any public or private space, including work;*
- *Commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and trafficking;*
- *Child sexual abuse, including familial sexual abuse, child sexual exploitation and online abuse;*
- *So called 'honour based' violence, including dowry related violence, female genital mutilation, forced and child marriages, and 'honour' crimes.'*

Scottish Government/COSLA: Equally Safe 2016, p10-12

The definition extends to women and girls of all ages. Under international law, the UN Convention on the Rights of the Child defines a child as a person under the age of 18.

Further information giving an overview of Gender Based Violence and the prevalence and impact of this on women and men is included in Appendix C.

2.2 Responsibilities

Midlothian Council has a responsibility to:

- Raise awareness of the Policy;
- Raise awareness of unacceptable behaviours;
- Support provision of appropriate training e.g. through the range of topics on Violence Against Women provided by East Lothian and Midlothian Public Protection Office – see: <http://emppc.org.uk/violence-against-women/>;
- Provide appropriate help and support to victims of Gender Based Violence;
- Take appropriate action where incidents occur or where allegations are raised.

Managers have a responsibility to:

- Read the Policy and related Guidance and understand how it can help you to manage situations where gender based violence is affecting employees at work;

- Complete appropriate training courses to ensure you have an awareness of the impact of gender based violence including its impact in the workplace;
- Ensure that you act in a manner which ensures that employees feel confident that any disclosures made will be treated respectfully and in accordance with this policy.

All employees have a responsibility to:

- Be aware of this Policy and the scope it offers to all employees who may be affected by the issues it covers;
- Ensure that their language, behaviour and actions in the workplace do not condone or support Gender Based Violence e.g. by not participating in, encouraging or condoning gossip relating to victims of this Violence;
- Refrain from using Council resources to assist perpetrators or perpetrate gender based violence and/or make malicious allegations against another employee.

3.0 WHERE EMPLOYEES CAN FIND ADVICE AND SUPPORT

3.1 Advice and support within the Council and in the community

The following individuals and organisations can be contacted independently and confidentially by staff to discuss their situation and to seek support in making a decision about how they wish the matter to be dealt with, including:

- Your Line Manager, or another Manager or HR if you feel your own manager would not be appropriate;
- Trade Union/Professional Organisation representatives;
- Employee Assistance Programme;
- Service Manager, Midlothian and East Lothian Public Protection Office;
- External specialist support agencies e.g. Women's Aid East and Midlothian, Edinburgh Rape Crisis Centre (and local outreach service) and Fearless Domestic Abuse Service. Further information on additional support organisations can be found in Appendix B.

It is important to note that whilst every effort is made to maintain confidentiality, in some circumstances, due to the serious nature of the information shared, the organisation may need to take action. This includes situations where there is reason to believe that there may be a risk to others, including harm to children. In these circumstances the Manager should refer through normal Adult and Child Protection Procedures.

It is also important to note that where an employee makes a disclosure of GBV to a fellow work colleague, it is reasonable if necessary for that colleague to contact HR on a strictly confidential basis for further support and guidance. HR are bound by the same requirement to maintain confidentiality subject to the exclusions detailed above.

3.2 Police Scotland's Disclosure Scheme for Domestic Abuse Scotland

The Disclosure Scheme for Domestic Abuse Scotland aims to prevent domestic abuse by empowering both men and women with the right to ask about the background of their partner, potential partner or someone who is in a relationship with someone they know, and there is a concern that the individual may be abusive.

The scheme aims to enable potential victims to make an informed choice on whether to continue the relationship, and provides further help and support to assist the potential victim when making that informed choice.

'Right to Ask' is the powerful message behind the scheme. Police Scotland is empowering potential victims of domestic abuse with the right to ask about their partner. In the past, it could have been difficult for someone entering a new relationship to find out or be aware if their partner had prior convictions for violence or domestic abuse.

If police checks show that the individual has a record of abusive behaviour; or there is other information to indicate the person you know is at risk, the police will consider sharing this information with the person(s) best placed to protect the potential victim.

The police will discuss concerns with the person asking and decide whether it is appropriate for them to be given more information to help protect the person who is in the relationship with the individual they are concerned about.

More information about the 'Right to Ask' disclosure scheme for domestic abuse, who can 'ask' and a step-by-step process can be found at:
www.scotland.police.uk/contact-us/disclosure-scheme-for-domestic-abuse-scotland

4.0 Managing staff who may have experienced gender based violence

This section covers the impact of Gender Based Violence in the workplace and details the way in which managers can support staff who are currently experiencing or have previously experienced this. It is important to recognise that staff may have experienced more than one form of gender based violence and all forms will have an impact on both physical and mental health. The actions required to support staff may vary depending on the nature and timing of the abuse e.g. abuse may be historical, recent or ongoing, however the core principle of offering a supportive and flexible response remains consistent. For further information on the impact of Gender Based Violence in the workplace and its affect on staff, refer to Appendix D.

4.1 Your role as a manager in supporting staff

Managers have a role to address the needs of employees who have or are experiencing Gender Based Violence. In supporting staff, they are expected to: have the necessary knowledge; be available and approachable; listen and reassure; respond in a sensitive and non-judgemental manner and discuss how the Council can support them.

In cases where a member of staff raises their experience of abuse, managers should endeavour to provide sensitive and flexible support, tailored to meet the circumstances of each individual, taking account of any additional needs that they may have. Managers should be aware of the potential barriers that make it difficult for employees to seek support and should be conscious not to make judgements or to provide counselling or advice.

When supporting employees, managers should refer to existing Council Policies such as Health and Safety, Equality and People Policies. At all times managers must act in accordance with normal Adult and Child Protection Procedures, referring to Occupational Health and HR as appropriate.

As a manager, you can support staff by:

- Being aware that staff can be affected by past or current abuse (See Appendix C);
- Recognising potential signs of abuse;
- Being aware that staff members may be perpetrators of abuse;
- Initiating discussion if you have concerns about abuse;
- Responding sensitively to disclosure of abuse;

- Encouraging and supporting your staff member to think about their safety;
- Considering what workplace supports you could provide within the scope of current policy provisions;
- Providing information about other sources of help;
- Keeping good records, documenting discussion and actions taken, ensuring that information is stored confidentially; and
- Ensuring your training in GBV is up to date.

4.2 Recognising potential signs of abuse

Given the barriers that can make it difficult for staff to disclose abuse, they may not necessarily approach you as their manager in the first instance. It is more likely that you will become aware of any problems through associated issues such as absence monitoring, poor performance or uncharacteristic changes in an employee's behaviour.

Some of the signs that an employee could be affected by their experience of abuse are detailed in Appendix D. Keep in mind that this is not an exhaustive list nor should these factors be seen in isolation. Also, they may be indicative of other concerns unrelated to abuse. The context within which they occur is therefore an important consideration.

4.3 Responding to a disclosure of abuse

Be aware of some of the barriers to disclosure for employees, e.g. not recognising/wanting to recognise their experience as abusive, fear of bringing shame or dishonour to their family, fear that they might lose their children, belief that the abuse is their fault, concerns about confidentiality.

Treat staff with respect and dignity. Be non-judgemental, supportive and sympathetic; reassure them that the abuse is not their fault, that no-one deserves to be abused and acknowledge that it is not always easy to know what to do.

Be clear about the parameters of your role, i.e. providing information and practical support but not offering opinions or advice or adopting a counselling role.

Be aware that different cultures may have different values but that this is Great Britain and British values and laws take precedence. Accordingly, unlawful actions (as per British legislation) will not be tolerated against a person irrespective of their age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation or socio-economic status.

Consider any potential risks in the workplace, e.g.

- Is there any immediate danger?
- Are there threats of harm to her/ him/others/children?
- Is there sexual violence?
- What is the employee's assessment of the threat from the perpetrator?
- Are there child/adult protection issues? Seek advice from the Public Protection Office
- If you have reason to believe that the perpetrator presents a risk to other employees, advice from HR **must** be sought.
- Improve safety by speaking to the staff member about their immediate and future safety and helping them to think through their options; for example, a safety plan, support networks, protection strategies and organisations that can help including the police, women's aid, men's aid, rape crisis, public protection (see Appendix B); provide practical workplace safety measures such as confidential method of communication etc.
- **Discuss potential options for workplace support** in line with existing Council policy provisions, i.e. extended and/or flexible leave (paid or unpaid), change of work pattern, adjustment to workload, etc., as well as Occupational Health, HR, the Employee Assistance Programme and consider local and national external support agencies (see Appendix B for further details).

4.4 Recording and data protection

- Keep detailed records if an employee discloses abuse; any discussions and actions agreed should be documented to provide as full a picture as possible; disclosure should be recorded as an allegation, not fact. Note that you will require consent before you record the allegation. Should the person refuse to give consent, you cannot record;
- In accordance with Council procedures and in line with the Data Protection Act 1998, records should be kept strictly confidential and will not be placed on the employee's HR file; it should be made clear that recording information on abuse will have no adverse impact on the employee's work record; you should document all absences in line with normal procedures, but if they relate to gender based violence then you should discuss with the employee how these are recorded in iTrent;
- Any reason for breaching confidentiality should be detailed and organisational procedures on data protection and sharing information must be adhered to;
- Employers have a legal duty to maintain a safe place of work and this requires monitoring and recording all incidents of violence or threatening behaviour in the workplace; this information can be used if the member of staff wishes to press charges or apply for an interdict; if the actions of an alleged perpetrator affect the health and safety of the employee in the workplace, records may be used to assess risks to children/others and might also be used in criminal proceedings or if the employee wants to

apply for a court order; as such, it is important that records are clear and accurate and should include dates, times, locations and details of any witnesses.

4.5 Possible work-related adjustments

In conjunction with HR you may wish to consider work-related adjustments, for example:

- Periods of reasonable absence in line with sensitively applied flexi and special leave policies (time off to visit solicitors, attend counselling or attend court etc.);
- Favourable consideration to any request for a change of workplace, work arrangements or patterns and adjustment to workload for a temporary period to make it more manageable;
- At times when the employee needs to be absent from work, mutually agree a safe, confidential method of communication and consider any safety implications that may arise when working from home;
- Security of information held such as temporary or new addresses, bank or healthcare details;
- With consent, advise colleagues of the situation on a need to know basis and agree the response should the perpetrator/alleged perpetrator contact or visit the workplace e.g. alert reception and security staff where the alleged perpetrator is known to come to the workplace and ensure the employee does not work alone or in an isolated area;
- Use of an assumed name at work where appropriate;
- Change telephone numbers, divert phone calls and e-mails;
- Implement particular security arrangements that may have to be put in place to ensure the safety of the employee, colleagues or patients, and;
- Using the Health and Safety Rivo Safeguard system record any threatening or violent incidents by the perpetrator in the workplace, including visits, abusive/ persistent phone calls, e-mails and other forms of harassment which can be used by the police or the employee at a future date if they wish to seek a court order.

This list is not exhaustive and there may be other measures that managers can tailor to the individual circumstances of the employee.

A summary of the manager's role is included in Appendix G.

4.6 If an employee does not wish to take up support

Depending on their situation, some employees affected by abuse may refuse support or only take up partial support. This can be concerning, especially if the employee has begun to accept assistance and then decides to go back to an abusive situation or tries to minimise their abuse.

Dealing with abuse is a process that takes time and it is important to be aware of the reasons that can make it difficult for staff to access support, i.e. they may have pressure from family or community to remain silent/stay in their relationship or financial pressures, especially if children are involved. For further information see Appendix D - Barriers to Seeking Support. It is the choice of the employee whether to accept support and the organisation cannot share what they have disclosed with anyone unless there are reasons to break confidentiality. In this situation you should respect the employee's decision, reassure them that your primary concern is for their safety and remind them that support is available if they need it in future.

There may, however, be circumstances where the employee does not wish to take up support but where the manager's concerns regarding the impact of suspected abuse on the employee's performance and/or on their health and safety are serious enough that the manager believes it necessary to take further action. In these circumstances the manager should refer through normal Adult and Child Protection Procedures or seek advice from the Public Protection Office.

5.0 Managing Staff Who May Be Perpetrators of Gender Based Violence

It is acknowledged that there may be employees within the Council who are perpetrators of abuse and that committing acts of Gender Based Violence is a serious matter which has the potential for:

- Contravening Equalities and Human Rights legislation;
- Constituting a criminal offence; and
- Breaching corporate and professional codes of conduct.

It is important to note that any act of Gender Based Violence committed by an employee of Midlothian Council will not be accepted or tolerated and will be robustly dealt with via existing People Policies and may result in the ultimate sanction of dismissal being applied.

5.1 Disclosures and allegations of abuse

Information about abuse may be brought to light in the following ways:

- An employee may directly disclose abuse either voluntarily or when asked by managers/colleagues;
- Managers might receive allegations of abuse from a range of sources, for example: A Council employee who's partner or former partner is also an

employee; concerned colleagues; through the MARAC (multi-agency risk assessment conference held every 4 weeks which shares information among key agencies and establishes a safety plan for high risk victims of domestic abuse); partners, ex-partners or others who are not Council employees; post-conviction notification from the police and pre-employment checks.

- In accordance with their contract of employment and the Employee Code of Conduct, any employee who has been charged, or during their period of employment with Midlothian Council is charged with or convicted of a criminal offence (excluding civil offences such as parking offences) or whose name is placed on the lists held by the Scottish Government of those disqualified from working with children or adults at risk must advise their line manager immediately. This requirement applies whether the listing is provisional or not and there should be no delay in notification by the employee to the Council.
- Employees in posts which require PVG Scheme membership have a further duty to notify their line manager immediately if they are involved in Police enquiries or are questioned by the Police under any criminal investigation.

5.2 Allegations of abuse within the workplace

Employees who are perpetrating abuse might use workplace resources such as transport, telephone or e-mail to threaten, harass or abuse current/ex-partners or others. Their behaviour might also include: stalking, physical assault, sexual violence or sexual harassment. This conduct could be dangerous for those being abused and could bring the organisation into disrepute. In such circumstances, consult HR to deal with this via the appropriate policy.

5.3 Allegations of abuse outside of the workplace

Employees may be perpetrating Gender Based Violence outside of the workplace, for example, domestic abuse, physical or sexual abuse of children, downloading child pornography, sexual violence, involvement in honour based violence, sexual exploitation including grooming, or stalking.

Given that such conduct could constitute a criminal offence, many of these examples would most likely involve criminal proceedings. Perpetrating these forms of abuse could also breach organisational and professional codes of conduct and potentially bring the Council into disrepute.

5.4 What managers can do

Any disclosure or allegation of abuse within the workplace must be acted on. Managers should respond in the same way that they would address any

other serious complaint against an employee by following relevant Council policies and seeking immediate advice from HR as necessary.

Where the source of such allegations is anonymous or where the allegation relates to abuse out with the work environment, it may be that the Council is not in a position to take action. However, advice should be sought from HR and the PPO as the circumstances of each individual case will require to be considered in order to determine whether or not such a matter can and should be the subject of a disciplinary investigation by the Council. The organisation will treat any allegation, disclosure or conviction of a Gender Based Violence related offence on a case-by-case basis, with the aim of reducing risk and supporting change.

It may be necessary to instigate disciplinary proceedings and each case requires to be assessed to decide what action to take.

In conjunction with HR, the manager should assess the potential impact of the alleged abuse on the employee's role at work to determine whether or not to undertake disciplinary action.

The manager should take account of the following factors:

- The nature of the conduct and the nature of the employee's work;
- The extent to which the employee's role involves contact with vulnerable individuals or groups, and assessment of any potential risk that this might pose to them or other employees;
- Whether or not the alleged actions of the employee could breach their corporate/professional code of conduct; and
- Whether or not the alleged actions of the employee could bring the Council into disrepute, or conflict with its aims and values.

If sufficient grounds are established, the disciplinary procedure will be followed which will take account of the requirement for referral to various professional registration/regulatory bodies. Whilst a disciplinary procedure is ongoing, employees alleged to be perpetrators can receive support from Occupational Health, Trade Union/Professional Organisation and HR.

For further information please refer to Appendix F: Practical guidance on working with alleged perpetrators.

6.0 MONITORING AND REVIEW

This policy will be monitored and reviewed in two years by Midlothian and East Lothian Public Protection Office.

APPENDIX A: Legal Framework and Relevant Legislation

The policy is underpinned by the following legislation, which is not an exhaustive list:

Equally Safe: Scotland's Strategy for preventing and eradicating violence against women and girls 2016

Updated from 2014, this strategy provides a framework for taking action to prevent and eradicate violence against women and girls in all its forms. The delivery plan was published in early 2017.

Human Trafficking and Exploitation (Scotland) Act 2015

Makes provision about human trafficking and slavery, servitude and forced or compulsory labour, including provision about offences and sentencing, provision for victim support and provision to reduce activity related to offences.

The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

Provides a specific civil remedy for those threatened with forced marriage and those already in such a marriage.

Equality Act 2010

This Act simplifies and harmonises existing equality legislation and extends protection to a wide range of groups to ensure that they are treated more fairly. Under the Act, people are not allowed to discriminate, harass or victimise another person on grounds relating to age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, or pregnancy and maternity, referred to as 'protected characteristics'.

Council of Europe Convention on Action against Trafficking in Human Beings, 2005

The UK is bound by this convention, which involved signing up to a set of minimum standards on the identification, protection and support of trafficking victims.

Sexual Offences (Scotland) Act 2009

The Act criminalises a range of sexual offences including rape and sexual assault, against adults and children.

Protection of Vulnerable Groups (Scotland) Act 2007

The Act introduced the Protection of Vulnerable Groups Scheme (PVG) and other measures to improve the way that services protect vulnerable groups. As well as helping to ensure that people who have a known history of harmful or abusive

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behaviour are unable to work with children and protected adults, it aims to simplify and speed up the whole disclosure process, making it easier for employers, staff and volunteers to use.

Protection from Abuse (Scotland) Act 2001

This Act is designed to afford greater protection to individuals who have left abusive relationships by allowing for a power of arrest to be attached to an interdict.

The Management of Health and Safety at Work Regulations 1999

The regulations require employers to assess the risk of violence to employees and make arrangements for their health and safety.

Protection from Harassment Act 1997

The Act criminalises and creates a right to protection from stalking and persistent bullying in the workplace. Employers may be vicariously liable for harassment under the Act.

Health and Safety at Work Act 1974

Under this Act, employers have a duty to ensure, as far as is reasonably practicable, the health and safety and welfare of employees at work.

European Convention on Human Rights, Article 3, 1950

Affords an 'absolute' right not to be tortured, or inhumanely or degradingly treated or punished.

APPENDIX B: Sources of Further Information

1. WITHIN THE COUNCIL

- HR
- Occupational Health (People Asset Management)
- Employee Assistance Programme
- Trade Unions / Professional Associations
- Midlothian and East Lothian Public Protection Office – 0131 653 5151

2. IN THE COMMUNITY

1	<p>Women's Aid East and Midlothian</p> <p>A confidential service that provides valuable information, support and temporary accommodation to women and their children who have experienced domestic abuse.</p> <p>Tel: 0131 561 5800</p> <p>Email: info@womensaideml.org</p> <p>W: http://www.womensaideml.org/</p>
2	<p>East Lothian Sexual Abuse Service helpline (ELSAS)</p> <p>ELSAS offers support in East Lothian to women and all members of the transgender community who are currently experiencing or have experienced sexual violence. We are based in East Lothian and can offer face-to-face support in Musselburgh and Haddington. We can also offer home visits or arrange appointments in other locations such as Dunbar.</p> <p>When you contact ELSAS, we will offer you a face-to-face session with a support worker if you want this. You can use this time in any way you choose, and we can talk through what support we can offer, including long-term and advocacy support.</p> <p>Tel: 07800 604 164</p> <p>Email: elsas@ercc.scot</p> <p>Young people aged 12-18 can access support from the STAR project Tel: 0131 556 9437, text: 07583 158 058 E: star@ewrasac.org.uk.</p>

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3	<p>Emergency Social Work Service</p> <p>(on behalf of Midlothian, East Lothian and Edinburgh Councils)</p> <p>Tel: 0800 731 6969 – out of hours</p>
4	<p>East Lothian Council Homelessness Unit</p> <p>The Homelessness team (Brunton Hall, Musselburgh) delivers the council's statutory corporate homelessness responsibilities including the provision of housing advice, assistance and accommodation. Following assessment or interview the team can refer to a range of services or provide accommodation, support or advice services directly. The team can be contacted directly or your manager is aware of the means by which a referral can be made.</p> <p>Tel: 01620 827536 / out of hours emergency 0800 169 1611 (24hrs/day, 365 days/yr)</p> <p>Email: homelessness@eastlothian.gcsx.gov.uk</p>
5	<p>Citizen's Advice Scotland</p> <p>Citizens Advice Bureaux (CAB) provide free, confidential and independent advice which helps people resolve their debt, benefits, housing, legal, discrimination, employment, immigration, consumer and other problems.</p> <p>W: http://www.cas.org.uk/</p> <p>Local CAB branches:</p> <ul style="list-style-type: none"> • Haddington: 46 Court Street, Haddington. 01620 82 4471 • Musselburgh: 141 High Street, Musselburgh. Tel 0131 6532748

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2	<p>Midlothian Sexual Abuse Service helpline (MSAS)</p> <p>MSAS offers support in Midlothian to women and all members of the transgender community who are currently experiencing or have experienced sexual violence. We offer appointments in Penicuik, Mayfield and Dalkeith. Appointments are available on Monday during the daytime and Tuesday evening.</p> <p>When you contact MSAS, we will offer you a face-to-face session with a support worker if you want this. You can use this time in any way you choose, and we can talk through what support we can offer, including long-term and advocacy support.</p> <p>Tel: 07860 774 503</p> <p>Email: msas@ercc.scot</p> <p>Young people aged 12-18 can access support from the STAR project Tel: 0131 556 9437, text: 07583 158 058 E: star@ewrasac.org.uk.</p>
3	<p>Emergency Social Work Service</p> <p>(on behalf of East Lothian, Midlothian and Edinburgh Councils)</p> <p>Tel: 0800 731 6969 – out of hours</p>
4	<p>Midlothian Council Homelessness Service</p> <p>The Homelessness team, based at Buccleuch House, Dalkeith, delivers the council's statutory corporate homelessness responsibilities including the provision of housing advice, assistance and accommodation. Following assessment or interview the team can refer to a range of services or provide accommodation, support or advice services directly. The team can be contacted directly or your manager is aware of the means by which a referral can be made.</p> <p>Tel: 0131 271 3397 / out of hours emergency 0131 663 7211 (24hrs/day, 365 days/yr)</p> <p>Email: homelessness@enquiries@midlothian.gov.uk</p> <p>Website: https://www.midlothian.gov.uk/info/1078/homeless_or_at_risk</p>
5	<p>Citizen's Advice Scotland</p> <p>Citizens Advice Bureaux (CAB) provide free, confidential and independent advice which helps people resolve their debt, benefits, housing, legal, discrimination, employment, immigration, consumer and other problems.</p> <p>W: http://www.cas.org.uk/</p> <p>Local CAB branch: Dalkeith and District CAB, 8 Buccleuch Street, Dalkeith EH22 1HA. Tel 0131 660 1636</p>

Regional /National

1	<p>Abused Men in Scotland (AMIS)</p> <p>A non-profit organisation established in 2010 to address the gap in service provision for men experiencing domestic abuse. We provide direct support to men experiencing domestic abuse, as well as helping to improve mainstream service responses and campaigning for further inclusion of male victims in the wider narrative on domestic abuse.</p> <p>Tel: 0808 800 0024</p> <p>W: http://www.abusedmeninscotland.org/</p>
2	<p>Child Line</p> <p>This is a free service for children that provides help & advice at any time for any problem like bullying, sexual abuse, emotional abuse, domestic violence, self harm. 24-hour service. Tel: 0800 11 11</p>
3	<p>Citizen's Advice Scotland</p> <p>Citizens Advice Bureaux (CAB) provide free, confidential and independent advice which helps people resolve their debt, benefits, housing, legal, discrimination, employment, immigration, consumer and other problems.</p> <p>W: http://www.cas.org.uk/</p> <p>Local CAB Branches:</p> <ul style="list-style-type: none"> • Haddington: 46 Court Street, Haddington. 01620 82 4471 • Musselburgh: 141 High Street, Musselburgh. Tel 0131 6532748 • Dalkeith and District: 8 Buccleuch Street, Dalkeith EH22 1HA. Tel 0131 660 1636
4	<p>Disclosure Scheme for Domestic Abuse Scotland</p> <p>Aims to prevent domestic abuse by empowering both men and women with the right to ask about the background of their partner, potential partner or someone who is in a relationship with someone they know, and there is a concern that the individual may be abusive.</p> <p>The scheme aims to enable potential victims to make an informed choice on whether to continue the relationship, and provides further help and support to assist the potential victim when making that informed choice.</p> <p>Right to Ask - Disclosure Scheme for Domestic Abuse Police Scotland</p>

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5	<p>Edinburgh Domestic Abuse Court Service (EDDACS)</p> <p>An independent advocacy service which supports the domestic abuse court</p> <p>Tel: 0131 315 8122</p>
6	<p>Edinburgh Rape Crisis Centre</p> <p>Offers free and confidential emotional and practical support and information to women, all members of the transgender community, and young people aged 12-18 who have experienced sexual violence from male or female abusers at any time in their lives. This includes rape, sexual assault, childhood sexual abuse and organised sexual abuse and exploitation.</p> <p>Tel: 0131 556 9437 / Midlothian service 07860 774 503 / East Lothian service 07800 604 164</p> <p>Email: support@ercc.scot / info@ercc.scot</p> <p>http://www.ewrasac.org.uk/</p> <p>Scottish Rape Crisis Helpline</p> <p>08088 01 03 02 (daily 6pm – midnight)</p> <p>www.rapecrisisscotland.org.uk</p>
7	<p>Equality and Human Rights Commission – a guide for employers March 2013 – Managing and Supporting Employees Experiencing Domestic Abuse</p> <p>https://www.equalityhumanrights.com/sites/default/files/domesticabuseguide.pdf</p>
8	<p>Fearless Domestic Abuse Service</p> <p>A national specialist domestic abuse support service for any man, any LGBT person and anyone from an ethnic minority community. .</p> <p>Tel: 0131 624 7266</p> <p>Email: fearlessinfo@sacro.org.uk</p> <p>W: https://fearless.scot/</p>
9	<p>Forced Marriage Unit</p> <p>020 7008 0151</p> <p>Email: fmfco.gov.uk</p> <p>Email for outreach work:</p>

	<p>fmuoutreach@fco.gov.uk</p> <p>www.fco.gov.uk/en/global-issues/human-rights/forced-marriage-unit/</p>
10	<p>LGBT Health and Wellbeing – Edinburgh</p> <p>We are a unique community initiative that promotes the health, wellbeing and equality of lesbian, gay, bisexual and transgender (LGBT) people in Scotland</p> <p>Tel: 0131 523 1100</p> <p>Email: admin@lgbthealth.org.uk</p> <p>W: www.lgbthealth.org.uk/</p>
11	<p>LGBT Helpline</p> <p>Provides information and emotional support to lesbian, gay, bisexual and transgender people and their families, friends and supporters across Scotland. It is also there to support those questioning or wanting to discuss their sexuality or gender identity. Calls are charged at local rates, no extra charges.</p> <p>Tel: 0300 123 2523 (open Tuesdays and Wednesdays 12-9pm)</p> <p>Email: helpline@lgbthealth.org.uk.</p> <p>W: www.equality-network.org/lgbt-directory/lothian-lgbt-helpline/</p>
12	<p>LGBT Youth Scotland</p> <p>Supports LGBT young people by providing help and support for young people including a chat line; professionals and service providers, parents and carers with offices in Edinburgh, Glasgow and Dumfries and Galloway</p> <p>Tel: 0131 555 3940</p> <p>W: https://www.lgbtyouth.org.uk/</p>
13	<p>Men's Advice Line</p> <p>A confidential helpline for any man experiencing domestic violence and abuse from a partner (or ex-partner). We are a team of skilled professionals offering practical advice, information and emotional support to male victims of domestic violence, as well as to concerned friends and family and frontline workers. The service is run and managed by Respect.</p> <p>Tel: 0808 801 0327</p> <p>Email: info@mensadviceline.org.uk</p> <p>http://mensadviceline.org.uk/</p>

14	<p>National Domestic Abuse & Forced Marriage Helpline Scotland</p> <p>The helpline is staffed by specially trained workers and volunteers, managed by Scottish Women's Aid. Your call will always be answered by a worker who understands the dynamics of domestic abuse and forced marriage. We work in partnership with the Men's Advice Line.</p> <p>Tel: 0800 027 1234 (24 hours per day, 7 days/week)</p> <p>Email: helpline@ndafmhs.org.uk</p> <p>W: http://natdomesticabuseforcedmarriagehelpline.org.uk/</p>
15	<p>National Gender Based Violence and Health Programme</p> <p>www.gbv.scot.nhs.uk</p>
16	<p>Police Scotland</p> <p>Tel: 101 or call 999 in emergencies</p> <p>W: http://www.scotland.police.uk/</p> <p>How to report Domestic Abuse</p> <p>If the incident requires immediate attention please contact your local police office. In an emergency always call 999 (if the incident is ongoing or life is in danger). If you have been the victim or witness to domestic abuse, or have concerns regarding a victim of domestic abuse there are several ways you can report this to the police.</p> <ul style="list-style-type: none"> • At your local police office. If the incident is urgent this is the best way to report it. If someone is in immediate danger always phone 999. • Use our online domestic abuse form www.scotland.police.uk/secureforms/domestic-abuse/ • If you are unable to go to your local office (or prefer to remain anonymous) you can submit the form directly to us or download it and post it to: Domestic Abuse Coordination Unit, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, Glasgow, G40 4EH
17	<p>Respect</p> <p>We run the UK helpline for anyone who is concerned about their own or someone else's behaviour towards their partner (male, female, in heterosexual or same-sex relationships).</p> <p>Freephone 0808 802 4040 Monday-Friday 9am-5pm.</p>

18	<p>Samaritans</p> <p>Talk to us any time you like, in your own way, and off the record – about whatever’s getting to you. You don’t have to be suicidal.</p> <p>Tel: 0131 221 999 / 116 123 (24 hrs/free from any phone)</p> <p>Email: jo@samaritans.org</p> <p>W: http://www.samaritans.org/</p>
19	<p>Scottish Trans – Offices in Edinburgh</p> <p>Scottish Trans Alliance is the Equality Network project to improve gender identity and gender reassignment equality, rights and inclusion in Scotland</p> <p>Tel: 0131 467 6039</p> <p>Email: info@scottishtrans.org</p> <p>W: www.scottishtrans.org/ / www.equality-network.org/</p>
20	<p>Scottish Women’s Rights Centre</p> <p>Free confidential legal helpline for women who have been affected by violence or abuse</p> <p>Tel: 08088 010 789</p>
21	<p>Shakti Women's Aid</p> <p>Help for black minority ethnic (BME) women, children and young people who are experiencing, or who have experienced, domestic abuse.</p> <p>Tel: 0131 475 2399</p> <p>Email: info@shaktiedinburgh.co.uk</p> <p>W: http://shaktiedinburgh.co.uk/</p>
21	<p>Shelter</p> <p>This is a free, national telephone advice line providing information about emergency access to refuge services and general housing matters. Lines are open seven days a week from 8am to midnight.</p> <p>Tel: 0808 800 4444</p> <p>W: http://scotland.shelter.org.uk/</p>

22	<p>Survivor Scotland</p> <p>Scottish Government information and education resource on children sexual abuse, including the national strategy for survivors of CSA www.survivorscotland.org.uk</p> <p>Information on services for survivors across Scotland can be found at www.survivorscotland.org.uk/help/</p>
23	<p>Victim Support Scottish Helpline</p> <p>Provides support and information services to victims and witnesses of crime in Scotland.</p> <p>Tel: 0345 603 9213 (8am-8pm)</p>
24	<p>Women's Support Project</p> <p>Information, training and support on violence against women and information around commercial sexual exploitation www.womenssupportproject.co.uk</p>
25	<p>Yes You Can ...</p> <p>Working with Survivors of Childhood Sexual Abuse http://scotland.gov.uk/Publications/2008/04/07143029/0</p>

APPENDIX C: An Overview of Gender Based Violence and Prevalence

What is Gender Based Violence?

Gender based violence is an umbrella term that encompasses a spectrum of abuse experienced disproportionately by women and perpetrated predominantly by men.

It is defined within Equally Safe 2016, Scotland's strategy to take action on all forms of violence against women and girls, as follows:

'Gender Based Violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence and women who are predominantly the victims of such violence. By referring to violence as "gender based" this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'

The definition extends to women and girls of all ages. Under international law, the UN Convention on the Rights of the Child defines a child as a person under the age of 18.

Definitions and Prevalence:

Domestic abuse is a pattern of assaultive and coercive control, including emotional, sexual, psychological and physical abuse that affects around 1 in 4 women over the course of their lives.

- Of 59,882 domestic abuse incidents recorded by Police Scotland police in 2014/15, 79% of all such incidents had a female victim and male perpetrator; although men also experience domestic abuse, women are much more likely to experience repeated incidents over time, have greater injuries and suffer more psychological and sexual violence
- In around 2 in 5 domestic abuse cases, there is also childhood physical and sexual abuse by the same perpetrator
- There is evidence that domestic abuse within same sex relationships is common and could be higher than 1 in 3 according to a 2006 study

Child sexual abuse is defined as exploitation of a young person by an individual for their own or others' sexual gratification. It is physically and emotionally abusive and often involves serious and degrading assault.

- In the NSPCC study Child Abuse and Neglect in the UK Today (2011), it is estimated that 1 in 20 children have been sexually abused.

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.

- Of the 1,901 rapes or attempted rapes recorded by Police Scotland during 2014/15, 95% had a female victim (where gender was known)
- 54% said that the perpetrator was their partner
- 4% of women have experienced serious sexual assault since the age of 16.

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
- There are 4,000 victims of trafficking for sexual exploitation in the UK.

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. Stalking and harassment is a very common feature of domestic abuse. It occurs in isolation or as a component of the wider profile of abuse. High severity stalking and harassment can include behaviours such as constant communication, uninvited visits, loitering and threats to kill.

There are clear links between stalking and domestic abuse - more than a third (36.4%) of those who had experienced stalking and harassment in the last 12 months had also experienced partner abuse in the same period. (SCJS stalking and harassment: summary of findings 2014/15)

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

Female genital mutilation - there are no clear and robust figures for prevalence in Scotland because of the hidden nature of the crime. Based on the data available, the Scottish Refugee Council has reported that:

- There were 23,979 men, women and children born in one of the 29 countries identified by UNICEF (2013) as an 'FGM-practising country', living in Scotland in 2011
- There are communities potentially affected by FGM living in every Scottish local authority area, with the largest being in Glasgow, Aberdeen, Edinburgh and Dundee respectively
- 2,750 girls were born in Scotland, to mothers born in an FGM-practising country between 2001-12.

(Tackling FGM in Scotland – towards a Scottish model of intervention, Scottish Refugee Council 2011)

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.

- Across the UK in 2014/15, 79% of forced marriage cases involved female victims

'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'.

MARAC (Multi Agency Risk Assessment Conference) is a multi-agency meeting, held every 4 weeks, which shares information among key agencies and establishes safety plan for high risk victims of domestic abuse across both East Lothian and Midlothian. The MARAC requires the understanding and participation of all identified key agencies who may be involved in supporting victims of domestic abuse.

Unless otherwise stated, data comes from:

- Scottish Crime and Justice Survey 2014/15 [Scottish Crime and Justice Survey 2014/15](#)
- Crime & Justice Bulletin - [Domestic Abuse Recorded by the Police in Scotland 2013/14 and 2014/15](#)

APPENDIX D: Potential Signs of Abuse and the Impact of Gender Based Violence

Potential signs of abuse include:

Work productivity

- Persistently late without explanation; needing to leave work early
- Constraints on work schedule; employee may be dropped off and picked up from work and unable to attend work related events
- High absenteeism rate without explanation
- Needing regular time off for 'appointments'
- Changes in quality of work performance for unexplained reasons, e.g. may start missing deadlines and show additional performance difficulties despite a previously strong record
- Interruptions at work, e.g. repeated upsetting calls/texts/e-mails; Reluctance to turn off mobile phone at work
- Increased hours being worked for no apparent reason, e.g. very early arrival at work or working late.

Psychological indicators

- Changes in behaviour: may become quiet and withdrawn, avoid interaction, making acquaintances or friends at work; may always eat alone
- Uncharacteristic distraction, problems with concentration
- May cry at work or be very anxious
- Obsession with time
- May exhibit fearful behaviour such as startled reactions
- Fear of partner/references to anger
- Is seldom or never able to attend social events with colleagues
- Expresses fears about leaving children at home alone with partner
- Secretive regarding home life
- Appears to be isolated from friends and family.

Physical indicators

- Repeated injuries such as bruises that are explained away; explanations for injuries that are inconsistent with the injuries displayed
- Frequent and/or sudden or unexpected medical problems/sickness absences
- Sleeping/eating disorders
- Substance use/dependence
- Depression/suicide attempts
- Fatigue

- Change in the way the employee dresses, e.g. excessive clothing in summer; unkempt or dishevelled appearance, change in the pattern or amount of make-up worn.

Barriers to seeking support

Although widespread, Gender Based Violence is often hidden, generally occurring in a private or domestic setting, away from the workplace. The vast majority of cases of abuse are not disclosed to public agencies (including the police) and of those which are, relatively few result in criminal conviction. The covert nature of abuse and the impact it has on individuals can act as barriers to disclosure. For example:

- People who have experienced abuse are often silenced by the perceived shame and stigma that surround it; they may feel they will be judged or blamed for the abuse and may therefore be reluctant to seek help within the workplace
- Issues around trust and concerns about confidentiality, especially if children are involved or if the perpetrator is also a Council employee, can make it difficult for individuals affected to come forward
- Staff may fear that seeking help could impact on how they will be treated by managers or colleagues, e.g. that they may be perceived as less competent or ineffective in their post and/or that it may prejudice career advancement

It is equally important to be mindful of diversity within the workforce, and that staff may have other experiences of discrimination or inequality which could affect, or indeed compound, the impact of abuse. For example:

- People in lesbian, gay or bisexual relationships who have not disclosed their sexual orientation may be reluctant to discuss domestic abuse, thereby 'outing' themselves in an environment which they may fear to be unsupportive or homophobic
- Whilst gender based violence is predominantly experienced by women, it does impact on some men; disclosing abuse can be difficult for men who may fear being seen as 'weak' or 'unmanly'; male survivors of rape or childhood sexual abuse may also fear being regarded as potential abusers given the widespread acceptance of the myth of the 'cycle of abuse'

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- Black and minority ethnic (BME) staff may be concerned that they will be ostracised in their communities, or accused of bringing dishonour on their families if they disclose abuse; they may be fearful of feeding racist or stereotypical views within the workplace which may minimise or dismiss their experiences
- Forms of domestic abuse can vary, e.g. forced marriage or so-called 'honour' based violence, which may be perpetrated by extended family members of both sexes as well as a husband/partner.

APPENDIX E: Practical guidance on responding to a disclosure from a victim of Gender Based Violence

In helping to meet the needs of staff experiencing abuse, it is important that as a manager you create an environment where your employees are aware of this policy and feel able to seek support.

Should you suspect that an employee may have experienced some form of abuse:

- Provide a private space, reassure them about confidentiality and advise of the limits of this at the outset, i.e. risk to the safety of others, child or adult protection as it may not always be possible to maintain confidentiality;
- In instances when you pick up on possible signs of abuse, proactively initiate a discussion with your member of staff. Ask non-threatening, open questions – for example: “How are things at home?” or “How are you feeling generally?”
- If there is obvious bruising/injuries, then ask direct questions: “I’m worried about you because.....” or “I’m concerned about your safety.....”;
- Non-disclosure: you should be aware that an employee may choose not to share information about abuse during a first discussion. If this is the case, advise them that you or a member of the Public Protection Office will be available to provide support in the future if required;
- Carry out an Immediate Safety Plan with the employee covering the workplace and home life using these six questions:
 - How can we as your employer help keep you safe when you are at work?
 - What can I as your line manager do to help support you at work?
 - What will help you feel supported when you are at work?
 - How do you feel about getting support at home to help with what is happening?

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- What is your plan to make you feel safe at home?
- Who is available to you for support and help you feel safe outside of work?
- A medium term Safety Plan is very important so encourage the employee if she is a woman to contact Women's Aid East and Midlothian. If the employee is a man encourage them to contact Fearless or AMIS (details at Appendix B);
- Encourage the employee to engage with the Council's Occupational Health provider and the Employee Assistance Programme.

APPENDIX F: Practical guidance for working with alleged perpetrators

When responding to a direct disclosure from a member of staff or where it has been established that an employee has perpetrated abuse, it is important to adopt good practice when responding. Engaging with perpetrators of abuse in a positive, respectful way does not mean excusing the abuse. This is an area that requires sensitivity and an awareness of how this might affect the safety and wellbeing of those experiencing the abuse. Your response could affect the extent to which perpetrators accept responsibility for their behaviour and, therefore, the need to change.

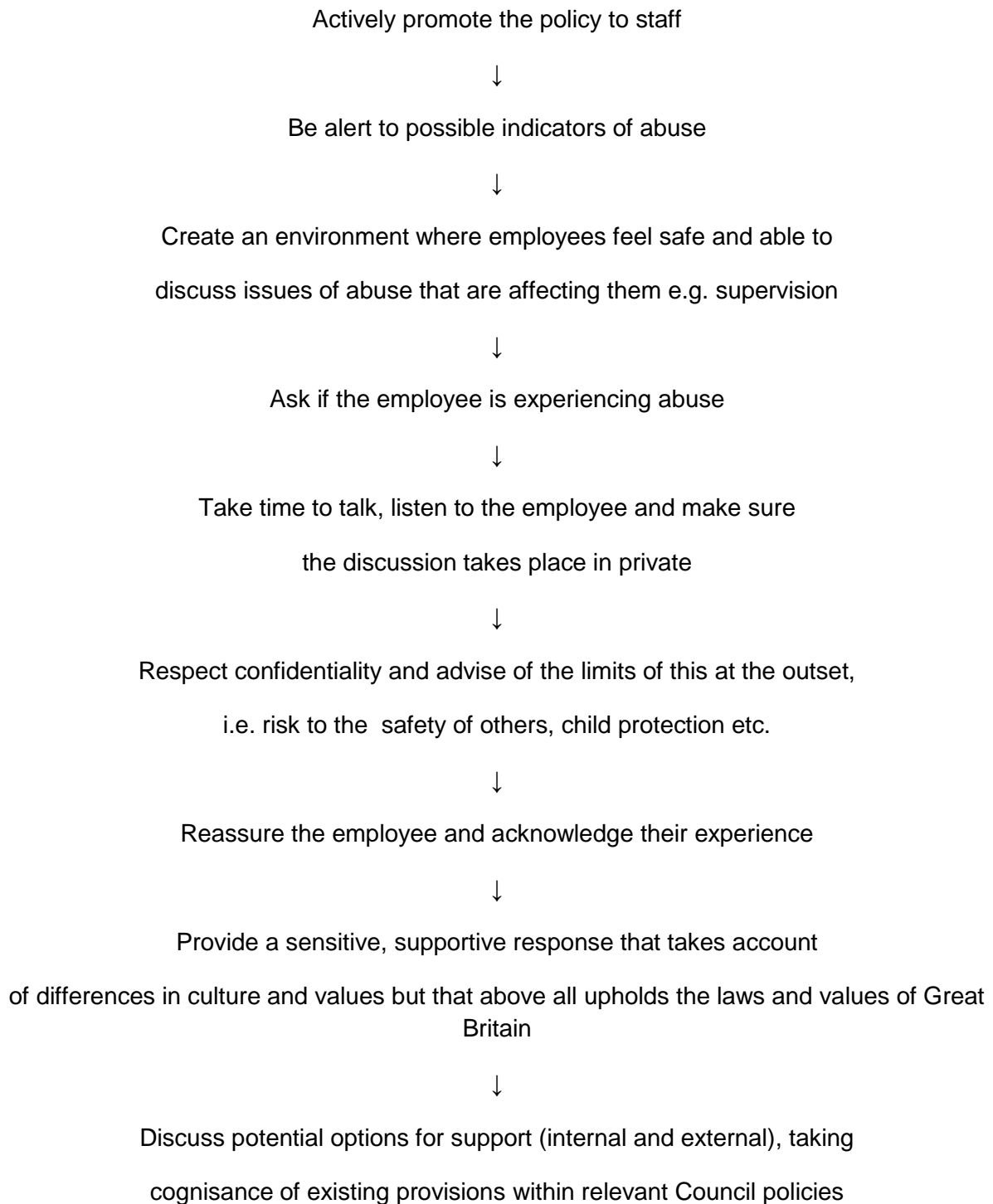
Good practice principles to observe include the following:

- Be aware that some perpetrators, even when they have sought help voluntarily, are unlikely to disclose the seriousness or extent of their abuse and may minimise it or blame it on other factors, e.g. alcohol or stress
- Be clear that abuse is always unacceptable and that it may constitute criminal behaviour
- Be clear that abusive behaviour is a choice
- Be respectful but do not collude
- Be aware that on some level, the perpetrator may be unhappy about their behaviour
- Be positive; it is possible for perpetrators to change if they recognise they have a problem and take steps to change their behaviour
- Be clear that you might have to speak to other agencies if there are grounds to breach confidentiality, and
- Assist the perpetrator to be aware of the likely costs of continued abuse (arrest/loss of relationship/impact on children and of the possibility of disciplinary action).

As Midlothian Council has committed to zero tolerance of Gender Based Violence, any allegation made against an employee involving any form of GBV will be considered in accordance with the Council's Disciplinary Procedure. This will of course be subject to the aforementioned requirement to obtain express consent to progress the matter if the victim of the GBV is also an employee of the Council (subject to the exclusions to confidentiality outlined earlier in this policy e.g. where the allegation involves a criminal offence).

APPENDIX G: Flowchart Summary of Manager's Role

The manager's role in supporting staff is to:



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Risk assess and safety plan and work in partnership
with other relevant agencies as appropriate



Advise of the parameters of the manager's role and
make clear what can and cannot be provided



Where appropriate, keep a proper record of discussions,
ensuring that any information is stored confidentially



Monitor and review the situation regularly



Offer ongoing support as appropriate