



Department for
Business, Energy
& Industrial Strategy

Workplace support for victims of domestic abuse

Report from review

January 2021

Ministerial foreword

Paul Scully Minister for Small Business, Consumers and Labour Markets

While domestic abuse may occur in the home, its impact stretches into every aspect of victims' lives – including their working life. As many as one in five victims may need to take time off work because of abuse.¹

As a Government, we are committed to doing everything in our power to support all of those suffering domestic abuse, in various kinds of relationships. As a Minister in the Department for Business, Energy and Industrial Strategy, I am particularly interested in what we can do with businesses up and down the country to try and tackle all forms of domestic abuse. With the right support and encouragement, employers can play a key role in helping to lift the lid on this often hidden and always hideous crime.

That is why, in June 2020, we launched a review into workplace support for victims of domestic abuse. Having a job and spending time away from perpetrators can offer a degree of independence and financial self-sufficiency, which is so important for those suffering abuse. Their workplace can provide them with a network outside of the home that they can draw on for support and can be one of the few places where victims feel safe to speak out about what they are going through. However, for many, the abuse continues while they are at work through harassment, interruptions and even the perpetrator showing up at their workplace.

During the review, I have heard about the often devastating impacts that domestic abuse can have on the victim and the challenges it raises for employers. I have also heard about the real difference that a supportive employer response can make. Many employers across the United Kingdom are already doing great work to support victims, ensuring they can report abuse and receive the help they need from their place of work. We want this to become standard practice across the board.

I am pleased to present this report, which looks at what pragmatic, effective new measures could be put in place in the workplace by Government and employers to help those experiencing domestic abuse. This includes how to best provide the flexibility needed to access services and get help. We will take forward the Manifesto commitment and consult on ways to ensure that flexible working becomes the default for everyone, while also exploring options to support victims of domestic abuse.

The work does not end with this report. We will now take steps to work together with employers, business representative organisations, specialist victims and domestic abuse service providers and the unions to continue to build awareness and understanding of domestic abuse and ensuring good practice across the board.

¹ TUC (2014) Domestic violence and the workplace. Available at <https://www.tuc.org.uk/research-analysis/reports/domestic-violence-and-workplace>

Ministerial foreword

Victoria Atkins Minister for Safeguarding

Domestic abuse is a horrific crime that shatters the lives of those affected and it is unacceptable in any situation. It is a crime that affects people across society. We know that anyone can be a victim of domestic abuse, regardless of gender, age, ethnicity, socio-economic status, sexual orientation or background. With almost 2.3 million victims every single year, the costs related to domestic abuse in England and Wales are estimated at around £71 billion per annum.²

As the Home Office Minister with responsibility for Safeguarding, I am all too aware of the economic and social cost of domestic abuse. The devastating consequences of domestic abuse is such that it necessitates a comprehensive programme of cross-Government activity.

This why I am so proud to be working in tandem with the Department for Business, Energy and Industrial Strategy. This report illustrates just how important the role of the employer can be. Whether that is through increasing the understanding and awareness of domestic abuse in the workplace through signposting to specialist services and organisations or offering a safe space for employees. These are just some of the ways that employers are taking action. This report builds an important evidence base, so we better understand what makes an inclusive, safe and healthy workplace.

The coronavirus pandemic has only heightened how important it is for us to ensure that support and help reach victims and survivors of this abhorrent crime. Home should be a safe place for everyone - but for those confined to living with an abuser, it is clearly not. With access to other social avenues reduced, it is the employer that can be a life saver for some victims. For so many, it is the workplace that offers the respite and support they need. However, we have also seen showcased throughout this coronavirus pandemic real innovation from employers - whether that is printing information on the back of till receipts, adding help buttons to online support services or helping with travel and accommodation.

I am keen to build on the relationship between retailers and the community beyond our landmark Domestic Abuse Bill, and so I look forward to working closely with the private sector through their role as employers and businesses to ensure they are confident to support those affected by domestic abuse. There is a part for everyone to play, together we can signal to survivors and victims, that they are not alone.

² Based on Home Office estimates derived in 2017 and expressed in today's prices.



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Any enquiries regarding this publication should be sent to us at: domesticabuse.employmentreview@beis.gov.uk

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Executive summary

The first job of any Government is to keep its people safe, which is why the Government is committed to tackling crime, strengthening the criminal justice system and making the UK a safer place to live. The Government is also committed to supporting all victims of Domestic Abuse, including through the provisions of the Domestic Abuse Bill.

Accessing and remaining in work is vital to earn an income and the security that means as well as making social connections, maintaining health and wellbeing.³ For individuals experiencing domestic abuse, the workplace itself can also be a place of safety and respite from the abuser, and a place where they can make the arrangements they need and contacting specialist services.

Between June and November 2020, the Department for Business, Energy and Industrial Strategy (BEIS) undertook a review to examine how victims of domestic abuse can be supported in the workplace and how to give employers confidence and knowledge to do so. This report sets out the key findings from that review, alongside with the areas of work which Government will take forward as a result.

Chapter 1 considers the impact of domestic abuse on individuals and employers, including the challenges brought by the coronavirus pandemic. It identifies that an effective employer response is founded on being able to spot the signs of domestic abuse and know how to signpost to specialist services. This chapter sets out the steps which the Government will take to work with employers to raise awareness of domestic abuse as a workplace issue.

Chapter 2 focuses on what best practice looks like and the positive role that employers can play, alongside the barriers for individuals and employers in accessing and providing support. It finds that having a workplace policy can be an effective mechanism for employers and employees, but that this needs to be embedded in wider organisational frameworks and cultures. The Government wants all employers to have the tools and resources they need to support their members of staff and will set up a working group to raise awareness and drive change.

Chapter 3 discusses the role that employment rights can play in giving employers and employees the certainty they need. While individuals may be able to use annual leave or request flexible working in order to take time away from work to deal with the impacts of domestic abuse, the review has found evidence to suggest that there are unmet needs in this area. In light of this, the Government will consider through a consultation the steps which can be taken for victims of domestic abuse as well as consult to take forward the manifesto commitment to “encourage flexible working and consult on making it the default unless employers have good reasons not to”.

³ DWP/DHSC (2016). Work, health and disability green paper: data pack, <https://www.gov.uk/government/statistics/work-health-and-disability-green-paper-data-pack>

Introduction

There are 2.3 million victims of domestic abuse a year aged 16 to 74 (two-thirds of whom are women)⁴ and more than one in ten of all offences recorded by the police are domestic abuse related.⁵

The impacts of domestic abuse on victims and their children are often significant and wide-ranging. Victims may be seriously physically injured as a result of abuse, which may result in long-term injuries. Domestic abuse can lead to the development of long-lasting health problems, such as mental health issues including depression, anxiety and post-traumatic stress disorder and eating disorders.⁶ Further research has shown that victims may use alcohol as a response to experience of domestic abuse and that many victims are made homeless by domestic abuse.⁷

The wider economic and social costs of domestic abuse are significant. Home Office research found that in the year ending 31 March 2017, domestic abuse was estimated to have cost over £66 billion in England and Wales. The biggest component is the physical and emotional harms incurred by victims (£47 billion), followed by considerable costs to the economy (£14 billion) due to lost output due to time off work and reduced productivity as a consequence of abuse.⁸

Many of the insights from this review concern economic abuse, especially where a perpetrator interferes with their victim's employment. For victims, the effects of economic abuse can be unemployment, diminished employment prospects, or poverty. Such abuse can cause severe and long-term debt and poor credit ratings which can negatively impact the victim for decades.⁹ For employers, domestic abuse can mean a reduction in productivity and staff unexpectedly taking time off work – which can have impact on the wider team and workplace environment. Employers themselves describe how managers and HR often deeply care for the welfare and safety of their members of staff, including the victim themselves and the people they work with.

⁴ ONS (2020) Domestic abuse in England and Wales overview: November 2020. Available at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020>

⁵ ONS (2018) Crime in England and Wales: year ending March 2018. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2018>

⁶ Women's Aid (2020) 'Domestic abuse and your mental health. Available at: <https://www.womensaid.org.uk/the-survivors-handbook/domestic-abuse-and-your-mental-health/>, accessed 25/11/2020.

WHO (2018) Violence Against Women: Strengthening The Health Response In Times Of Crisis. [online] Available at: <https://www.who.int/news-room/feature-stories/detail/violence-against-women#:~:text=Women%20who%20experience%20violence%20are,acquire%20a%20sexually%20transmitted%20infection>

⁷ Hester, M. (2009) Who Does What to Whom? Gender and Domestic Violence Perpetrators. Available at <https://www.nr-foundation.org.uk/downloads/Who-Does-What-to-Whom.pdf>, 2009; Humphreys et al. (2005) Domestic Violence and Substance Use: Tackling Complexity, British Journal of Social Work.

⁸ GOV.UK (2019) The Economic And Social Costs Of Domestic Abuse. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918897/horr107.pdf

⁹ Surviving Economic Abuse (2018) Available at: https://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report_FINAL-1.pdf

Workplace support for victims of domestic abuse

For individuals, work is integral to economic security, sense of identity and relationships with others and being in work is known to have positive impacts on health and wellbeing.¹⁰

Lost productivity and absence linked to domestic abuse can mean significant economic losses for individuals and employers. Research by Vodafone and KPMG found that the potential loss of earnings per female victim of abuse is £5,800 each year, stemming from the negative impacts on career progression. Meanwhile, UK business lose £316m in economic output each year as result of work absences related to domestic abuse.¹¹

A safe and supportive workplace response can make a real difference to an individual's journey out of an abusive situation and their longer-term prospects. There are practical steps which employers can take to build awareness, develop and implement policies and procedures as well as signpost to specialist services. Flexibility to balance work and dealing with the consequences of domestic abuse can be important, but there are a variety of ways in which employers can support victims in the place of work.

The coronavirus pandemic has brought domestic abuse to the forefront as, for many, the home has also become the workplace. Working with domestic abuse and victims' organisations and employers, the Government has taken rapid action to raise awareness and support employers. During the coronavirus pandemic, the Government launched the #YouAreNotAlone national awareness campaign, including a COVID-19 employer pack. This gives guidance to employers as to how they can best reassure employees facing domestic abuse that the COVID-19 household isolation instructions do not apply to them.

Last year, the Home Secretary announced £2 million in funding to ensure that vital domestic abuse helplines and online services continue to be easily accessible throughout the current pandemic. As well as signposting help, the Government continues to work with the domestic abuse sector to ensure that support is available for everyone who needs it, and in response to the challenges that COVID-19 has presented.

However, a holistic response to domestic abuse as a workplace issue also looks to build awareness, understanding, skill and drive longer-term culture change.

This review is a part of the Government's agenda to raise awareness and build understanding about the devastating impact of domestic abuse on victims and their families. The landmark Domestic Abuse Bill aims to ensure that victims have the confidence to come forward and report their experiences, safe in the knowledge that the state will do everything it can, both to support them and their children and to pursue the abuser. The Bill includes a wide range of measures to better protect and support victims of domestic abuse and their children for the long term.

¹⁰ DWP/DHSC (2016). Work, health and disability green paper: data pack,

<https://www.gov.uk/government/statistics/work-health-and-disability-green-paper-data-pack>

¹¹ Vodafone UK News Centre (2019) New Research Shows How Domestic Violence And Abuse Affects UK Workplace - Vodafone UK News Centre. [online] Available at: <https://newscentre.vodafone.co.uk/press-release/new-research-shows-how-domestic-violence-and-abuse-affects-uk-workplace>

Definitions

The Domestic Abuse Bill will create, for the first time, a cross-government statutory definition of domestic abuse. Putting the definition, and the accompanying guidance, on a statutory footing will ensure that domestic abuse is properly understood and that in seeking to tackle this abhorrent crime and provide support services to survivors and their children, all public agencies and others are applying a common definition.

Domestic abuse refers to abuse which takes place between two people aged over 16 who are personally connected to each other. This includes people who are or have previously been married, in civil partnerships or in relationships; or have a child together; or are relatives.

Abuse can be physical or sexual, involve violence or threats, controlling or coercive behaviour, psychological or emotional, or economic abuse. Abuse can be a single incident, but is often a pattern of behaviours. For example, controlling behaviour are acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities, 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. Economic abuse includes behaviours that have an adverse effect on an individual's ability to acquire, use or maintain money or other property, or to obtain goods or services.

Domestic abuse can affect anyone, regardless of their sex, age or race. Women are more likely to experience repeat victimisation, be physically injured or killed as result of domestic abuse and experience non-physical abuse (including emotional and financial abuse), than men.¹²

Men are also victims of domestic abuse. Whilst they may experience many similar types of abuse as women, men can face specific barriers, including shame and fear of stigmatisation, which may be due to myths around masculinity and that men cannot be victims of domestic abuse.

Individuals can be the victims of multiple and different abusive behaviours because of their specific characteristics, such as race, religion, ethnicity, socio-economic position, gender identity and sexual orientation which may overlap. The situation and previous experience of a person can also make it more difficult to disclose abuse, and to access services and support which meets their needs.

The term 'victim' is used in this document to denote someone who has experienced domestic abuse. It should be noted that not everyone who has experienced, or is experiencing, domestic

¹²ONS (2018) Domestic Abuse: Findings from The Crime Survey for England And Wales - Office For National Statistics. [online] Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusefindingsfromthecrimesurveyforenglandandwales/yearendingmarch2018>

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abuse chooses to describe themselves as a ‘victim’ and may prefer another term, for example, ‘survivor’.

The review

Between June and November 2020, the Department for Business, Energy and Industrial Strategy (BEIS) undertook a review to examine existing support in the workplace for domestic abuse victims and how this could be extended and improved.

The aims of the review in relation to victims were to understand:

- The impacts of domestic abuse on individuals who are in employment.
- What support they need at work – with a focus on improving labour market outcomes and to deal with or manage domestic abuse.
- The barriers to accessing such support and what could be done to improve this – again, with a focus on improving labour market outcomes and ability to deal with or manage domestic abuse.

The aims of the review in relation to employers were to understand:

- The impacts of domestic abuse on employers and the wider workplace.
- The support employers offer to victims; and what best practice looks like.
- The barriers to providing support; and views on how they can be overcome.

For both employers and victims, we sought views on the effectiveness of current employment law provisions.

The first phase of the review focussed on evidence-gathering. This included a call for evidence (annex I); a literature review; and a series of Ministerial and official-level roundtables with the Designate Domestic Abuse Commissioner, the Victims Commissioner, trade unions, representatives of victims, employers and their representatives across England, Wales, Scotland and Northern Ireland.

Actions following the review

This review found multiple challenges for victims and their employers as a result of domestic abuse, alongside many businesses and organisations developing and implementing best practice. The main issues include employers being aware and able to identify the signs of domestic abuse and being able to respond safely and effectively; a limited number of employers having a policy and approach to domestic abuse; access to flexible working and time out of work.

This report sets out the findings from the review and the areas of work which the Government will take forward, recognising that representatives of victims, trade unions and employers will continue to play key roles in shaping and driving best practice.

Workplace support for victims of domestic abuse

Territorial extent

We welcome the support received from the Scottish, Welsh and Northern Irish devolved administrations in providing evidence for this review.

The non-legislative measures set out in this action plan concern England.

Employment law applies across Great Britain.

Chapter 1: Building awareness and understanding of domestic abuse among employers and in workplaces

This chapter explores the issues which domestic abuse raises for individuals in work, their employers and colleagues. It sets out the steps which Government will take to continue to build awareness and understanding of domestic abuse and work, while recognising and encouraging the good work which employers, in partnership with the specialist sector and the trade unions are already doing in this area.

Working with domestic abuse and victims' organisations and employers, the Government has taken rapid action to raise awareness and support employers. During the coronavirus pandemic, we have run the #YouAreNotAlone national awareness campaign including a COVID-19 employer pack. This gives guidance to employers as to how they can best reassure employees facing domestic abuse that the COVID-19 household isolation instructions do not apply to them.¹³

An effective employer response is premised upon more awareness and better understanding of domestic abuse. This includes being able to spot the signs of abuse, knowing how to respond to a disclosure from a member of staff or colleague and signpost to specialist domestic abuse and victims' organisations. The evidence provided to this review show that it is by working together - locally, regionally and nationally - that such messages will have the most impact in the day-to-day.

The impact on victims and survivors

Economic abuse is one of the most prevalent forms of domestic abuse and includes interfering with the victim's employment.¹⁴ Many responses brought out the ways in which perpetrators sabotage victims' employment and career prospects. This includes hiding money or bank cards needed for travel, ruining work clothes, making a person purposefully late or causing injury and harm that leads to sickness absence. Abusers can also control a victim's working hours or their ability to participate in work-related activities, such as away days and social events. Responses described how this can happen to anyone at any level or role within an organisation, including contracted staff, managers, board members and CEOs.

Domestic abuse frequently extends into work itself, with different surveys showing that between 36% to 75% of employed victims are harassed by abusive partners while at work.¹⁵

¹³ HM Government, DOMESTIC ABUSE COVID-19 CAMPAIGN, Employer Pack available at: <https://www.eida.org.uk/s/Home-Office-Domestic-Abuse-Employer-Pack-bac6.pdf>

¹⁴ Women's Aid (2019) The Domestic Abuse Report 2019: The Economics of Abuse. Bristol: Women's Aid.

¹⁵ TUC (2014) Domestic violence and the workplace. Available at <https://www.tuc.org.uk/research-analysis/reports/domestic-violence-and-workplace>

Workplace support for victims of domestic abuse

Responses to the call for evidence described how abusers stalked and harassed their victims during the working hours, using mobile phones, emails, social media or showing up unexpectedly at work.

Many responses described the detrimental impacts these behaviours can have on an individual's ability to concentrate and perform at work. Representatives of victims and workers raised concerns that, too often, the underlying reason for poor performance and absence is only disclosed during conduct or capability proceedings.

Domestic abuse is often a hidden crime which is difficult to spot and is set in power dynamics. Controlling behaviours, such as someone's partner insisting on driving them to and from work every day, may be perceived by others as loving and caring. Further responses highlighted that individuals may hide the fact that they are being abused or be unaware that what they are experiencing is abusive. At times, presenteeism rather than sickness absence can be a sign of domestic abuse as the individual may be safer at work than at home.

In cases where employers are on the lookout for signs of domestic abuse, ask appropriate questions and create a supportive atmosphere, this can help employees feel more able to disclose a problem of domestic abuse. In doing so, it is important to avoid making assumptions of putting pressure on individuals to disclose or take a particular course of action.¹⁶

The impact on employers and the wider workplace

The review found that while many employers want their staff to thrive, line managers and HR professionals can lack the confidence to know what to do in relation to domestic abuse and may not be able to respond appropriately. They would often be the ones dealing with potential performance and attendance issues arising from domestic abuse. Domestic abuse can also have an emotional impact on colleagues and managers.

Domestic abuse can bring a specific set of challenges, including how to ensure workplaces are safe so that both victims and colleagues protected from harm. There is a critical need for involved parties to ensure confidentiality and consent throughout the process following a disclosure of domestic abuse. In addition, as a part of safety planning, employers may need to consider steps to ensure that a perpetrator cannot identify the whereabouts of the victim (for example through online company directories).

Many responses highlighted that victims may have worked in the same place and for the same employer as the perpetrator, which requires careful management to ensure the victim is safe and appropriate action is taken regarding the perpetrator. Both employers and representatives of victims and workers described this as a particularly challenging and important issue.

¹⁶ Business in the Community and Public Health England (2019) Domestic Abuse Toolkit. Available at <https://www.bitc.org.uk/toolkit/domestic-abuse-toolkit/>

The impact of the coronavirus pandemic

Responses to the call for evidence highlighted that the pandemic had meant a loss of access to the workplace as a safe space and making it harder for colleagues or managers to spot signs of abuse. According to data provided by victims' services, victims reported negative impacts of the pandemic on their mental health, ability to seek support and on the level of abuse they experience. There has also been an increase in demand for support services, such as online support, communications and/or information service, financial abuse support and child contact cases support. During the initial stages of the pandemic (April – June 2020), the charity Refuge reported an around 65% increase in demand to its Helpline, and a 700% increase in visits to its National Domestic Abuse Helpline website.¹⁷

Government, employers and their representatives and the trade unions have developed resources for employers and employees facing domestic abuse during the coronavirus pandemic (annex II).

NHS Safeguarding, on behalf of all staff in NHS England and NHS Improvement have published an internal staff domestic abuse policy which speaks to the voice of the victim and survivor of domestic abuse. This document was created with support from lived experience third sector organisations, safeguarding system leaders and internal HR colleagues. Importantly, it considers how the organisation responds to self-disclosures of staff who may have perpetrated abuse. Due to staff working remotely, we also created specific line manager guidance on how to ask/signpost about domestic abuse safely in a virtual setting, which is linked to the staff domestic abuse policy. Both documents use the proposed statutory definition of domestic abuse and will be reviewed once the Domestic Abuse Bill and associated guidance becomes legislation.

¹⁷ Office for National Statistics (2020) Domestic abuse during the coronavirus (COVID-19) pandemic, England and Wales: November 2020. Available at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseduringthecoronaviruscovid19pandemicenglandandwales/november2020#domestic-abuse-victim-services>

Raising awareness

Throughout the review, we have heard about the key role which businesses and their representative organisations can play – especially when they work together with charities with expertise in understanding and responding to domestic abuse and the trade unions.

Staffordshire Chambers of Commerce delivers a project, funded by the Police, Fire and Rescue and Crime Commissioner for Staffordshire, to train Domestic Abuse Workplace Champions.

Business of all sizes are encouraged to put staff forward, at a range of seniority levels, who are trained to spot the potential signs of domestic abuse and to act as a confidential ear and signposting support service with their respective companies. The one-day training course, delivered by local domestic abuse service experts New Era, covers the different types of domestic abuse, signs that a colleague might be suffering from domestic abuse, their rights and what support is available both locally and nationally. In some circumstances, they can also support the colleague with raising this with line managers.

Once a Champion is trained, businesses are also asked to adopt a Domestic Abuse policy for their business, with a draft copy of a policy provided by the scheme. This policy sets out their commitments to supporting victims of domestic abuse and to raise awareness of the new Domestic Abuse Workplace Champions in their respective organisations.

The Employers' Initiative on Domestic Abuse (EIDA) is a network of over 470 public and private employers which aims to enable employers to take action on domestic abuse, by raising awareness among all employees, supporting those facing domestic abuse, and providing access to services to help perpetrators to stop. In collaboration with Business in The Community and Public Health England, EIDA created 'Domestic Abuse: a toolkit for employers' to educate employers on domestic abuse, provide guidance and offer best employer practice.

In autumn 2020, the EIDA Beacons project was launched with senior business leaders agreeing to use their influence and networks to talk to other business leaders about domestic abuse of employees and the support that EIDA can provide.

EIDA employer members, including for example Linklaters, Enterprise Holdings, Sainsbury's, The Restaurant Group, Lookers, the Civil Service, EY, Fujitsu, Peabody, Public Health England, Royal Bank of Scotland, University of Exeter, have developed policies or program of initiatives to support their employees and customers.

The Department for Work and Pensions (DWP) and the Sharan Project launched the Employer Domestic Abuse Covenant (EDAC) in December 2020 on a 6-month pilot basis, in London and Essex, until national rollout. All national employers and partners are being asked to support women suffering domestic abuse, and DWP is ensuring that their Domestic Abuse Advisers make appropriate referrals for women wanting support.

The EDAC will target support for women who are not currently working and need employability support as a means of making that step to escape their situation.

What we will do to build awareness and understanding of domestic abuse as a workplace issue

We will continue to support employers and employees by raising awareness and providing support during the current coronavirus pandemic:

- **Home Office will promote the #YouAreNotAlone campaign which has helped those at risk of domestic abuse understand how to access support and the Employers Toolkit.**
- **BEIS will promote the guidance provided by the Advisory, Conciliation and Arbitration Service (Acas) on working from home during the coronavirus pandemic which includes steps that employers can take to help employees who are experiencing domestic violence and abuse.**

We will also continue to build awareness and understanding in the longer-term:

- **The Home Office will continue to promote awareness of the role of employers and their duty of care towards employees facing domestic abuse through the Domestic Abuse Bill statutory guidance.**

Chapter 2: Extending the workplace support offer

This chapter considers what support victims and survivors of domestic abuse need from their employer and the barriers to accessing such support. The chapter outlines key findings about what good practice looks like, recognising that having a workplace policy on domestic abuse can be of value to both employers and employees but that this needs to be embedded in wider organisational cultures and frameworks to be effective.

The review considered what practical support can be offered in the workplace and what good practice looks like. It found that while a growing number of employers are developing and implementing best practice, there are disparities in access to such support. This can be because individuals may not be aware of the existing offer or may not feel comfortable asking for help as well as their specific employer do not have an approach in place or is unfamiliar with the issue.

The response from employers as well as experts in supporting victims of domestic abuse was clear: organisations should, wherever possible, have a policy on domestic abuse in place. To break the silence on domestic abuse and bring about culture change, the issue needs to be visible across the organisation. This includes having up-to-date policies which are easily accessible as well as embedding support to victims of domestic abuse into wider organisational frameworks, especially diversity and inclusion, but also health and wellbeing and relevant HR policies and practices. The Government encourages all employers to adopt policies and have an approach to domestic abuse. But we understand that this is more challenging for some organisations, particularly smaller ones, who may not have the resources and capacity to develop and implement new policies.

During the review, we heard from large and small employers about how they had become aware of domestic abuse and the steps they had taken to become best practice employers. Often, personal experiences lead management or members of staff to act as champions within an organisation. Access to education and training, for line managers and HR also played a key role, with access to resources such as guidance and toolkits also described as helpful. Others discussed the value of being a part of a wider network of employers working together to build procedures and share experience.

The need for support among victims and survivors

A key theme among responses was that there is no 'one-size fits all' approach to responding to victims, each situation is different and victims' needs vary. In addition, domestic abuse takes place within complex power dynamics. As such, it is important to involve services – including those representing specific groups or communities – specialising in supporting victims.

Workplace support for victims of domestic abuse

The responses emphasised the need to take into consideration that abuse often continues when a relationship has ended, with the time around separation a particularly dangerous time for a victim. 55% of the women killed by their ex-partner or ex-spouse in 2017 were killed within the first month of separation and 87% in the first year.¹⁸ However, post-separation abuse, including stalking, harassment and forms of physical, emotional, sexual and economic abuse can continue and cause harm for longer periods of time.

The characteristics of a supportive workplace response include:

- Recognition of the problem, belief in the victim's story and ensuring they consent to any further steps.
- The employer should be able to signpost to specialist services and might also suggest a suite of options for the individual to decide between.
- A clear and visible policy which sets out the support offer and approach to dealing with disclosures and issues related to domestic abuse.

Barriers to accessing support

The review identified a series of barriers to accessing workplace support, including:

- There is limited support available; or policies are not clearly signposted to, visible or up to date.
- Disclosing domestic abuse is often difficult and not everyone wants to do so at work, whether for personal reasons, the psychological impacts of abuse, or concerns about how the employer will respond.
- A lack of recognition of diversity among victims and how a person may have multiple characteristics can make it more challenging to come forward. In addition, stereotypical representations of domestic abuse victims can make it more difficult for individuals to identify themselves as victims and what is happening to them as domestic abuse.
- Appropriate signposting, including the specialist services to support victims of black, Asian and ethnic minority background, migrants, LGBT people¹⁹, disabled people and men.
- The employment relationship and migration status of a victim can itself be a barrier to disclosing abuse and asking for help. At times, victims may be employed by their abusers or work closely with them in family businesses. At other times, victims work in

¹⁸ THE FEMICIDE CENSUS: 2017 FINDINGS Annual Report on UK Femicides 2017. Available at <https://www.endviolenceagainstwomen.org.uk/femicide-census-reveals-half-of-uk-women-killed-by-men-die-at-hands-of-partner-or-ex/>

¹⁹ LGBT is an abbreviation used to refer to lesbian, gay, bisexual and trans people. Often extends to other identities. It is used in this report to refer to all people who identify as lesbian, gay, bisexual, transgender or intersex, or as having any other minority sexual orientation or gender identity. Government Equalities Office (2018) National LGBT Survey: Summary Report. Available at <https://www.gov.uk/government/publications/national-lgbt-survey-summary-report#:~:text=In%20July%202017%2C%20the%20Government,in%20the%20world%20to%20date.>

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low paid or insecure work which may amplify issues with feeling confident to disclose abuse and ask for help.

Informing employers about domestic abuse can mean that individuals have to disclose multiple aspects of personal information. People with can also experience specific forms of abuse linked to their specific characteristics and circumstances.

29% of respondents to the Government's National LGBT Survey 2017 experienced at least one negative incident involving someone they lived with, due to their LGBT status, in the 12 months preceding the survey. Of these, 38% identified a parent or guardian as a perpetrator of the most serious incident. However, more than nine in ten of the most serious incidents went unreported²⁰ The charity Galop UK has identified that LGBT victims and survivors experience similar forms of domestic abuse to heterosexual/cis people, but may also experience abuse closely associated with having their sexuality or gender identity used against them. In addition, LGBT victims may experience bias and discrimination in different parts of their lives which will influence a person's perception of abuse and inform the decision to disclose abuse.²¹

Disabled people experience disproportionately higher rates of domestic abuse, with the abuse likely to be more severe, more frequent and extending for longer periods of time than for non-disabled people.²² The charity SafeLives have found that nationally, only 3.9% of referrals to Multi-Agency Risk Assessment Conferences (MARAC) were for disabled victims.²³ Evidence provided to this review showed that abuse linked to disability can be an additional barrier to asking for support, for example, as the individual might need to disclose their disability to their employer when they had preferred not to.

Best practice employers

As set out above, a majority of responses identified a workplace policy as best practice, describing what it should include and how it could be best developed and implemented.

- There is value in employers working closely with trade unions and organisations specialised in supporting victims of domestic abuse in shaping the policy and approach.
- A comprehensive domestic abuse policy sets out signs of domestic abuse, roles and responsibilities, education and training, steps to ensure safety in the workplace, as well as what the employer can practically offer in terms of financial assistance, flexibility and paid leave.

²⁰ Government Equalities Office (2018) National LGBT Survey: Summary Report. Available at <https://www.gov.uk/government/publications/national-lgbt-survey-summary-report#:~:text=In%20July%202017%2C%20the%20Government,in%20the%20world%20to%20date.>

²¹ Magić, J. & Kelley, P. (2018). LGBT+ people's experiences of domestic abuse: a report on Galop's domestic abuse advocacy service. London: Galop, the LGBT+ anti-violence charity

²² Public Health England (2015) Disability and domestic abuse: Risk, impacts and response. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480942/Disability_and_domestic_abuse_topic_overview_FINAL.pdf

²³ SafeLives (2017) Disabled Survivors Too: Disabled people and domestic abuse . Available at <https://safelives.org.uk/knowledge-hub/spotlights/spotlight-2-disabled-people-and-domestic-abuse>

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- The practical support offer to employees, with frequently mentioned measures which can be helpful including: paying salaries into separate accounts; additional financial assistance; access to counselling or other health-related services; access to time and space within work to make calls and other arrangements as well as flexibility and time out of work.
- Employers could also take steps to ensure safety in and around the place of work, such as informing security, providing safe parking spaces, accompanying to buses or trains, and ensure that information about the employees whereabouts is not accessible (for example, listing members of staff on websites).
- The company approach to perpetrators or employees showing abusive behaviours.

Responses highlighted that to be effective, a policy should be embedded in the wider organisational culture and practices, including:

- **Company frameworks:** A domestic abuse policy can be more effective where it is embedded into wider organisational frameworks and cultures, so that it is both cross-referenced in HR policies and linked to approaches to diversity and inclusion and health and wellbeing.
- **Signposting**, for example, putting posters around the workplace or the back of toilet doors, having a list of local service providers or specialist apps, using intranet pages or staff communications. This can be particularly effective where it includes service providers specialised in specific groups and content is translated into the main languages spoken by employees as well as contracted staff.
- **Domestic Abuse Champions** who raise visibility of the issue and are trained to spot the signs of abuse and how to respond to and refer individuals.
- **Senior management and leadership** raising the issue of domestic abuse can also play a key role in changing workplace culture and breaking down barriers.

Vodafone has a number of policies and initiatives, such as a safe leave policy with special leave specifically for victims of domestic abuse to attend appointments and seek help. Their employees globally can access this. Vodafone also provides specialist training for HR and line managers to 'recognise, respond and refer' survivors in the workplace to help, on top of the toolkit for employers that the Vodafone Foundation has produced with additional guidance for remote working during Covid-19, and webinar sessions including one with a focus on LGBT survivors.

Lloyds Banking Group believe employers have a very real role to play in supporting victims and survivors, raising awareness, and removing the myths and stigma around domestic and economic abuse. They have worked in partnership with specialist charities including Surviving Economic Abuse, Tender and Safe Lives to adopt a 'Acknowledge, Respond, Refer' approach, providing a holistic programme of support to their 65,000 colleagues. This includes dedicated support through their Employee Assistance Programme, promoting the Bright Sky app, training for all colleagues on how to spot the signs and offer support and offering a flexible approach to leave to support victims attend appointments, take emergency leave or to change work environments. This year, Lloyds Banking Group also launched a programme to provide emergency accommodation, food and one-to-one support for any colleague who may be experiencing domestic abuse, and their children.

Luminary Bakery are a small employer that offer paid work to women who have experienced 'multiple disadvantage' including domestic abuse and violence. As a Social Enterprise, Luminary is comprised of a business and charity team. Luminary has established workplace safeguarding protocols, with all staff required to attend annual safeguarding training to recognise and respond to 'red flag' risks. This is in addition to frontline charity staff that are offered monthly external counselling sessions to reflect on what they face in the workplace.

Supporting employers

The review also identified that employers may need support in developing their response to domestic abuse. Employers can also have capacity constraints, especially where they do not have HR teams in place to develop and implement domestic abuse policies. Key areas of need include:

- **Education and training** for line managers and HR professionals.
- **Connecting with specialist domestic abuse and victim's support services** responses from domestic abuse and victim's services highlighted that relatively low numbers of referrals to them are made by employers, and that there is variation in local service provision.

Hestia's Everyone's Business Advice Line is available to any business or organisation in the United Kingdom who would like free guidance and information regarding domestic abuse and how to support employees and colleagues enduring domestic abuse in the workplace.

The Everyone's Business Advice Line is 100% confidential, run by trained and qualified Independent Domestic Violence Advisors (IDVAs) who respond to all calls and queries from employers, employees or others with respect and confidentiality. IDVAs at the Advice Line can offer support, guidance and information to employers, managers and HR leads and others regarding issues relating to domestic violence and abuse.

The **Bright Sky App** is a free to download mobile app from the App Store or Google Play. Launched in a partnership between Hestia, the Vodafone Foundation and The Thames Valley Partnership (and promoted by the Employers Initiative on Domestic Abuse), it provides support and information to anyone who may be experiencing domestic abuse or is concerned about someone they know. It enables users to locate their nearest support services, with information on leaving an abusive relationship, helping someone you know and listing abusive behaviour.

Developing and implementing best practice

Throughout the review, we have heard about how best practice is developed when employers work with each other, unions and employee representatives and the specialist sector. This can occur in local, regional or national networks.

The Office of the Police and Crime Commissioner (OPCC) in Northumbria introduced a workplace champion scheme in 2014. Since it launched over 1,177 employees have become domestic and sexual abuse champions across 306 different local employers. The OPCC provided the champions' training to those in the private sector and partnered with six local authorities in Northumbria who trained staff across the public sector. As part of this workplace scheme, a domestic abuse workplace policy was developed and given to every champion to encourage them to embed it within their organisation. There are now 112 organisations with a domestic abuse policy in place. The workplace policy covers information on local specialist services, points of contact, signposting and how to safely respond to a disclosure. Consent is stressed for confidentiality and risk assessments. It also sets out simple steps that line managers can take to address the effects of domestic abuse such as: offering practical support like letting victims make calls from work; and offering paid time off to recover and attend appointments along with phased returns, supplemented with special leave provisions (compassionate leave) where the member of staff's annual leave entitlement has been exhausted. If these options are not viable then flexible working should be the minimum. Some organisations in Northumbria offer domestic abuse victims up to two weeks of paid leave to access support.

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Organisations supporting victims of domestic abuse bring specialist skills and insight to work with employers to design policies and guidelines and provide training and awareness raising sessions. For example, Women's Aid National Training Centre offer training courses and qualifications, SafeLives provide bespoke training for employers, and Hestia's Everyone's Business project works with employers to provide information, resources and practical guidance.

What we will do

The Government wants to ensure that all victims of domestic abuse can feel confident about their employer's response. The issues raised in this review show that this requires broader culture change and access to training, as well as more employers developing policies and procedures around domestic abuse. Therefore, we will:

Establish a working group of Government, employers, representatives of domestic abuse victims and trade unions to convene regularly to establish practical solutions and to drive culture change and best practice. The work of this group will consider:

- **how to develop safe and inclusive workplace environments, where victims can feel confident to disclose domestic abuse.**
- **how to support victims in a variety of situations, for example, where domestic abuse impacts on safety in the workplace, leads to performance issues, and where the victim works with the perpetrator.**
- **how to best support employers, for example, by developing specific products such as model policies, guidance as well as through education and training.**
- **how to reach large and small employers nationally, regionally and locally.**

Chapter 3: The employment rights framework

This chapter discusses the extent to which the employment rights framework meets the needs of individuals experiencing, or dealing with the consequences of, domestic abuse. Evidence provided to the review suggests that there are unmet needs for flexibility and time out of work. The Government will consult on how to make flexible working the default as well as bring forward further proposals to support victims of domestic abuse.

An effective response to domestic abuse is underpinned by a well-functioning and well-understood legal framework. The UK has a range of policies that support employees to balance work and other commitments, as well as statutory sick pay where individuals are not well enough to work. These include annual leave, measures to promote flexible working and entitlements to short periods of time away from work to deal with emergencies involving dependants. There are also generous and flexible leave and pay entitlements for parents.

Home Office research shows that being a victim of crime is associated with poor labour market outcomes, with between 50% and 68% of victims being in some form of employment, compared to an employment rate for the wider working age population of 74.8%.²⁴ For victims of domestic abuse, approximately 66% of victims of non-sexual domestic abuse and stalking and 60% of victims of domestic sexual assault were in some form of employment.²⁵ For those individuals in employment, domestic abuse can lead to considerable amounts of time lost in work as well as a loss in productivity.²⁶

During this review, we have heard about the very difficult experiences of victims of domestic abuse. We have heard about how employment rights are important to provide individuals with the confidence that their employer will treat them fairly and – for example – grant them the time and space needed to engage with services or take steps to leave their abuser.

Protections against unfair dismissal and discrimination

Under the Employment Rights Act 1996, employees are protected against unfair dismissal and can take a claim to tribunal if they have worked for their employer for at least two years (except in cases where the reason for dismissal is an “automatically unfair” dismissal, where it does not

²⁴ ONS (2020) Employment rate (aged 16 to 64, seasonally adjusted). Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/timeseries/lf24/lms>

²⁵ Home Office (2019). The Economic and Social Costs of Domestic Abuse. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918897/horr107.pdf

²⁶ Home Office (2019). The Economic and Social Costs Of Domestic Abuse. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918897/horr107.pdf

matter how long the individual has worked for their employer). The Equality Act 2010 provides further protection against discrimination based on a protected characteristic, and a dismissal on such grounds would amount to unlawful discrimination.

The review to date has not been able to conclusively say if victims face dismissal or are subject to discrimination at work as a direct cause of their experience of domestic abuse.²⁷ However, the trade unions described how union reps support members experiencing domestic abuse during capability proceedings. Domestic abuse may be a factor in dismissal on capability grounds, but due to issues around disclosure and awareness it might not be cited as the reason why an employee has not been capable of doing their job.

As such, we believe that there is merit in focusing on early intervention – including supporting line managers and HR to be able to spot the signs of domestic abuse and respond appropriately – as well as communicating existing employment rights and protections.

Access to leave and flexible working

Individuals may qualify for employment rights or protections on a variety of grounds, commonly, employment status, how long they have worked with their employer for, as well as more specific reasons such being a parent or adoptive parent, bereavement (of a child) or due to emergencies involving a family member or dependant.

Individuals who need flexibility or time out of work to deal with the consequences of domestic abuse may be able to take annual leave or request flexible working. Where the need for time out of work is for a child or other member of the family or adult dependant, they may be able to take unpaid parental leave or time off for dependants to deal with emergencies.

As seen in Chapter 2, best practice employers do also choose to give victims time off from work and flexibility around start and finish times, location of work or even tasks.

Victims can however face significant challenges in balancing work with dealing with the consequences of abuse. During especially time-intensive phases, an individual may need to engage with a range of services (such as dealing with police, courts, banks, schools, social services, apply for benefits or seek medical help or counselling) as well as finding and moving into a new home or refuge accommodation. As such, they may use their full annual leave entitlement for these purposes, or they may have already used it and end up relying on discretionary special leave.

Victims may also need more ad hoc flexibility, especially to manage appointments during working hours (which may vary in frequency, but not necessarily at predictable patterns or at

²⁷ While there is limited evidence available, there is some research has found that only two per cent of men and women who suffer domestic violence lose their jobs as a result.

Walby, S & Allen, J (2004) Domestic violence, sexual assault and stalking: findings from the British Crime Survey. Home Office. Available at:

http://www.research.lancs.ac.uk/portal/services/downloadRegister/148308400/Domesticviolencefindings_2004_5_BritishCrimeSurvey276.pdf

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the control of the individual) as well as temporary adjustments to working patterns or location of work to help with their safety.

Comments on the existing right to request flexible working described issues with how the right operates for victims of domestic abuse. These comments focused on the requirement for employees to have worked with their employer for 26 weeks before being able to make a request; that employers need to consider one request per year (but can choose to consider more) and is allowed three months to respond, as well as that an employer can turn down a request on valid business grounds.

Employer's duty of care

The review considered the role and responsibilities of employers in relation to protecting their staff against domestic abuse, where this extends to the workplace.

Employers have a broad duty of care to their employees, which means that they should take all steps which are reasonably possible to ensure their health, safety and welfare. Legally, this means that they need to abide by relevant health and safety and employment law, as well as the common law duty of care. An employer's duty of care may include protecting employees from wrongful acts of co-workers and third parties. As set out in this report, there are also economic, moral and ethical reasons why employers should act.

What we will do

This Government is clear that victims of domestic abuse should be supported in the workplace. The evidence provided to this review show that flexibility can be helpful to enable victims to access the support they need, but that there are different barriers to this such as awareness and confidence around domestic abuse and existing employment rights; and variation in the provision of special leave for domestic abuse victims between employers; as well as comments on the design of the existing right to request flexible working.

To identify how to best address these issues and meet the needs for flexibility, we will:

- **consult to take forward the Government's manifesto commitment to "encourage flexible working and consult on making it the default unless employers have good reasons not to".**
consult on the steps which can be taken for victims of domestic abuse, for example, how to exercise existing rights more effectively.

Annex I: The call for evidence

The Department for Business, Energy and Industrial Strategy ran a call for evidence between 9 June and 9 September 2020. Anyone could write with a response to one or more of these open questions:

- what practical circumstances arise in relation to domestic abuse and work?
- what support can be offered in the workplace for victims of domestic abuse?
- what is possible with the existing framework?
- what does current best practice look like?
- what is the potential to do more?

Who responded to the call for evidence?

There was a total of 126 responses to the written call for evidence.

- 20% of responses were from charities, including those specialising in service provision for domestic abuse victims (25 responses)
- 19% from individuals, sharing personal experience of abuse and the workplace response (24 responses)
- 17% from private employers (22 responses)
- 12% from local authorities or local authority networks (15 responses)
- 10% from trade unions (12 responses)
- 7% from public sector employers, including social care trusts, public bodies and universities (9 responses)
- 6% from professional bodies or business representative organisations (BRO), business networks (7 responses)
- 3% from statutory bodies (4 responses)
- 3% from the Police and Police and Crime Commissioners (4 responses)
- 3% from other respondents (academics, Members of Parliament) (4 responses)

Breakdown of responses to the call for evidence

Question 1: What practical circumstances arise in relation to domestic abuse and the workplace?

96 out of the 126 responses answered question 1. Of these 96, the majority (76%) mentioned performance related impacts such as attendance, productivity, conduct, health and wellbeing. Abuse occurring in the workplace was also a prevalent theme (69%). Other key themes included economic abuse (47%), barriers to disclosing domestic abuse (34%) and Covid-19 associated risks (36%).

Question 2: What support can be offered in the workplace to victims of domestic abuse?

120 out of the 126 responses answered question 2. Respondents were able to identify one or multiple types of support, for victims as well as education and training to help employers improve their capacity to support victims and responding to perpetrators in their workforce. Among support for victims, 73% suggested that flexibility (around working hours, tasks, location of work, as well as time or space at work) could be offered to help domestic abuse victims. Almost half (47%) of the mentioned financial support, including having wages paid into a separate account or additional financial assistance. Other common themes include access to specialist support, time off work (special leave) and security and safety in the workplace.

Question 3: What is possible within the existing framework?

42 out of the 126 responses answered question 3. Answers were divided between those focused on what could be adapted or improved within the existing legal framework and employers focused on what could be improved within their own organisational frameworks. The majority of the responses (48%) to this question considered the employment law framework, calling for change of the existing right to request flexible working as well as giving domestic abuse victims specific rights to paid leave. Other responses to this question (43%) discussed health and safety law and regulation.

Question 4: What does current best practice look like?

105 out of the 126 responses answered question 4. Among responses focussed on best practice for employers, the most frequently mentioned themes were: have a company policy (66%); paid leave (56%); signposting to specialist services (50%); Domestic Abuse Champions (33%); perpetrator policies or initiatives (20% of responses). Other responses focused on best practice beyond specific employers, with common themes including: education or training initiatives (65%) awareness raising campaigns (44%); working with domestic abuse specialist sector (33%) local or regional partnerships (25%). 20% of responses also highlighted international best practice, including countries which have introduced domestic abuse leave (such as New Zealand, Canada and Australia).

Question 5: What is the potential to do more?

100 out of the 126 responses answered question 5. 99 responses focused on legislative change, including requiring employers to have a domestic abuse policy, domestic abuse leave, amendments to Health and Safety Law and the Equality Act 2010.

78 respondents identified non-legislative actions that Government could pursue, including awareness raising measures (46%), education and training initiatives (49%), guidance or model policies (54%), and funding support services (26%).

A majority of these responses (79%) also highlighted that there is considerable potential for employers to take positive action in response to domestic abuse – such as set out in responses to question 2.

Annex II: Resources for employers and employees

Support for victims

Home Office, Report domestic abuse, <https://www.gov.uk/report-domestic-abuse>

Women's Aid publish links to websites and organisations who can provide information and support. <https://www.womensaid.org.uk/information-support/useful-links/#1447861212244-86327b99-16a9>

Domestic abuse during the Coronavirus (COVID-19) outbreak

Acas, Working from home during the coronavirus pandemic, <https://www.acas.org.uk/working-from-home/health-safety-and-wellbeing>

Business in the Community, COVID-19: Domestic Abuse Toolkit for Employers, <https://www.bitc.org.uk/toolkit/covid-19-domestic-abusesupporting-employees/>

Employers Initiative on Domestic Abuse, Coronavirus (COVID-19): help for employees when home is not a safe place, <https://www.eida.org.uk/our-covid-19-response>

Hestia, The Everyone's Business Advice Line for Employers, <https://www.hestia.org/everyones-business-advice-line>

Home Office, Domestic abuse: get help during the coronavirus (COVID-19) outbreak, <https://www.gov.uk/guidance/domestic-abuse-how-to-get-help>

SafeLives, Domestic abuse and COVID-19, <https://safelives.org.uk/news-views/domestic-abuse-and-covid-19>

Tools and guidance

CIPD and EHRC, Managing and supporting employees experiencing domestic abuse: a guide for employers, <https://www.cipd.co.uk/knowledge/culture/well-being/supporting-employees-experiencing-domestic-abuse>

Employers' Initiative on Domestic Abuse website provides resources to support employers, <https://www.eida.org.uk/>

TUC, Guide for reps, <https://learning.elucidat.com/course/5e875ae4d0715-5e8c6417dfc28>

This publication is available from: www.gov.uk/government/publications/workplace-support-for-victims-of-domestic-abuse

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