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FINANCE & GENERAL PURPOSES COMMITTEE REPORT

BORDERS COLLEGE REGIONAL BOARD

Subject: Gender Based Violence Policy	**Purpose:** **For Approval** ☒ **For Discussion** ☐ **For Information** ☐
Prepared by: Debbie Kerr	**Date:** 2 March 2020

Purpose: To seek approval of the Gender Based Violence Policy

Linked to Strategic Goal 3: Provide a high quality College experience.

Executive Summary: The College previously had an Employee Domestic Abuse Policy and Procedure which only covered staff. Working with the Equality Officer we have developed a Gender Based Violence Prevention and Support Policy and Procedure which now covers all staff and students equally.

Recommendation: The committee approves the policy and procedure.

Previous Committee Approvals: Joint Consultative Committee Policies

For publication ☒	**For publication with redactions** ☐	**Not for publication** ☐

BORDERS COLLEGE

Working Together

Gender Based Violence Prevention and Support Policy and Procedure (Staff and Students)

November 2019

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History of Changes

Version	Description of Change	Authored by	Date

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1. Introduction

At Borders College we believe that all members of the College community have the right to prosper and flourish in a safe, supportive, inclusive learning environment free from any form of gender-based violence, abuse or harassment. The College has a zero-tolerance approach to instances of gender-based violence on campus. This policy links closely with other relevant Borders College policies such as, Equality, Diversity and Inclusion Policy, Bullying and Harassment Policy, Safeguarding Children and Adults at Risk of Harm Policy and the Student and Staff Disciplinary Policies and Procedures.

Although gender-based violence affects more women and girls, it also impacts men and boys, and those in the LGBT+ community. We recognise that gender-based violence is an issue across all of society and we are fully committed to ensuring our campus is safe for everyone. In addition, the College seeks to provide a caring and timely response to those who have been impact by gender-based violence. In everything that we do, the College will consistently send out a strong message that gender-based violence has no place in our college community or wider society.

2. Scope

The College recognises its responsibilities in promoting the welfare and safety of all its students and staff. Therefore, this policy applies to all students and staff.

The College is committed to:

- Take steps to promote equality and reduce the risk of Gender-based Violence;
- Take action where incidents occur or allegations of abuse are raised; and
- Support individuals who are experiencing or have been impact by gender- based violence by facilitating access to support and specialist services, where appropriate.

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3. Key Principles

3.1 For the purpose of this policy, we use the Scottish Government's definition of gender- based violence.

Gender-based violence describes a range of behaviours that includes: intimidation, harassment, online abuse, intimate image sharing, gender-based violence, physical and emotional abuse, stalking, sexual assault and murder. The term also includes commercial sexual exploitation and so-called 'honour based' violence, including, female genital mutilation, forced marriages and 'honour' crimes.[1]

3.2 Context

Gender-based violence occurs across all levels of society.[1] The fundamental cause of violence against women and girls is gender inequality. Women and girls may also have other protected characteristics that increases their risk level of experiencing violence and abuse. For example, those from ethnic communities, with disabilities or a status which is particularly vulnerable (such as a refugee or asylum seeker, lone parent, homelessness), can greatly increase the risk factor, particularly where an imbalance of power exists.

The two factors related to gender inequality and linked to gender-based violence are:

- Social norms supporting violence as a means of conflict resolution
- The unequal position of women in relationships and society – violence occurs in societies in which men are viewed as superior and possess the economic and decision making power.

[1] https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/

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This does not mean that women do not use violence or carry out gender-based violence. Nor does it mean that men are not the victims of these actions. It merely recognises that statistically men are commonly the perpetrators and women and girls the victims. The different forms of violence have their roots in gender inequality and in the different power relations between men and women in society. They are therefore understood as gender-based violence and are interlinked.

3.3 Gender Based Violence Offences

These can include, but are not limited to:

- Physical, sexual and psychological violence (for example physical assault and sexual assault, coercive control etc.)
- Unwanted and unwelcome, sexual or gender-based verbal, written, online and/or physical conduct.
- Sexual harassment and intimidation at college, work and in the public areas
- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health and safety of any other person.
- Discrimination, as defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender.
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- Bullying, defined as repeated and/or severe aggressive behaviour likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
- Violence between those in an intimate relationship (this includes romantic relationships, dating, domestic, and/or relationship violence). Intimate relationship violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over intimate partners. Intimate partner violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
- Stalking, defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear of their safety or the safety of others e.g. unwanted gifts, sms messages, through social media.

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- Dowry related violence – Dowry includes gifts, money, goods or property given from the bride's family to the groom or in-laws before, during or any time after the marriage. Dowry is a response to explicit or implicit demands or expectations of the groom or his family.
- Forced and Child Marriages – Forced marriages is when a person faces physical pressure to marry (e.g. threats, physical violence or sexual violence) or emotional and psychological pressure (e.g. made to feel like they are bringing shame on their family).
- Honour crimes involve physical, emotional, psychological, financial and sexual abuse, including murder, committed by people who want to defend the reputation of their family or community.
- FGM (Female Genital Mutilation), also known as female genital cutting and female circumcision, is the ritual removal of some or all of the external female genitalia.

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4. Procedure

4.1 We will deal with allegations of gender-based violence under either the Staff Disciplinary Policy and Procedures or the Student Code of Conduct. These policies outline the processes to be followed and the rights of the accused regarding representation and appeal. We will give appropriate support to both the victim and the accused throughout these processes.

4.2 Confidentiality

We will treat all disclosures of gender-based violence confidentially, and as far as possible, information will only be shared on a need-to-know basis. The key exception being situations where there is a reason to believe that there may be a risk to the person concerned or to others, including harm to children and vulnerable adults at- risk.

4.3 Identification

We recognise that it takes courage to disclose experiences of gender-based violence which may include historical, recent and ongoing abuse. Those impacted may be fearful and anxious about making that disclosure. Given the barriers that can make it difficult to disclose, there may be other signs that indicate someone may have been impact by gender-based violence.

These can include, but are not limited to:

- There may be obvious effects of physical violence e.g. bruising
- Explanations for injuries/incidents that occur that are ‘explained away’ by the victim
- Interruptions at college, e.g. repeated upsetting calls/texts/emails
- May cry or be very anxious
- Uncharacteristic distraction, problems with concentration
- Poor attendance or presenteeism
- Changes in behaviour
- Depression/suicidal ideation
- Fear of partner/references to anger
- Expresses fear about leaving children home alone with partner
- Appears to be isolated from friends and family
- Needing regular time off for ‘appointments’

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It is important not to make assumptions as some of the above indicators may be indicative of other concerns unrelated to abuse. The context within which they occur is therefore an important consideration.

4.4 If you are Asking about Abuse and/or Responding to Disclosure

When there is a suspicion of abuse or responding to a disclosure, it is important to listen to what individuals have to say without rushing to judgement, solutions or taking control away from them. Being empathetic and present with them during this process, to then work collaboratively to provide immediate and/or therapeutic solutions, will ensure those impacted feel listened to and in control of the situation. The foremost priority at all times is the safety of and care and support for the person involved.

You should provide a private space, reassure them about confidentiality and advise of the limits of this from the outset. In instances where you pick up on possible signs of abuse, proactively initiate a discussion. Ask non-threatening, open questions, including 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…”

Although some people don’t ask about abuse because they are afraid of being intrusive or causing offence, there is evidence that most people experiencing domestic abuse and other forms of gender-based violence wish somebody had asked them about it.

6 steps to help guide your conversation if you receive a disclosure:

1. **Believe them**. Be kind and reassure them they are not to blame. Confirm you take the matter seriously. Do not ask for proof.
2. **Explain your role and encourage towards specialist support**. Advise that you are not a trained specialist but you can listen and provide information and refer for support. The best outcome is they seek specialist support as soon as possible.

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3. **Ask if they feel safe**. Ask them if they are feeling frightened and, if they are, ask what they are afraid of. Early on, let them know you are duty bound to tell someone immediately if they disclose that they, or someone else, is at risk of serious harm. This is to keep them safe.
4. **Listen actively**. Don't interrupt. Don't investigate or probe for details; that's not your role. Take brief, factual notes of what was said and don't make assumptions.
5. **Give them control**. The person making a disclosure needs to be in control and make their own decisions about what happens next. It is not appropriate to offer solutions or advice or to act on their behalf without their full consent unless there is a risk of harm to them or others (see 3).
6. **Safeguarding for under 18s**. If the disclosure is being made by someone over 16 but under 18, you need to pass this disclosure to the Head of Student Services who has responsibility for safeguarding procedures. This should ideally be done with the person's consent

If you are unable or feel uncomfortable about asking about abuse or responding to a disclosure, it is important that you take steps to refer to somebody else to ensure that the focus is on that person's immediate safety and health and wellbeing. In addition, if someone chooses not to share information about abuse during a first discussion, you should advise them of this policy and offer support in the future.

4.5 Support Services

We encourage anyone experiencing gender-based violence is encouraged to report it immediately to someone in the organisation that they feel comfortable with who can support them. Staff can access direct support from line managers or from Human Resources. Students can access support from Student Welfare Officers, Course Tutors, Achievement Coaches and Student Association. For anyone affected by gender-based violence, we can provide immediate support can be provided and a prompt referral made to external specialised support services, if necessary. In addition, we can make arrangements to make use of the internal support services including for example, Student Counselling Service and Occupational Health Service.

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We will respond sympathetically, confidentially and effectively to anyone who discloses that they are experiencing gender-based violence. The type of support offered may include, but is not limited to:

- Agreed periods of absence (Authorised Absences for students) for relevant appointments, including for example support agencies, solicitors, to attend counselling, to rearrange housing or childcare and for court appointments.
- Where possible, give favourable consideration to temporary changes to attendance, work arrangements and workload.
- Approve requests for an advance of pay or bursary/discretionary support.
- Access to counselling support services during college time and other internal support services.
- Review the security of information held such as temporary or new addresses, bank or healthcare details.
- Alert reception and security staff where the alleged perpetrator is known to come to the College.
- Implement particular security arrangements that may have to be put in place to ensure the safety of the person concerned.
- Record any threatening or violent incidents by the perpetrator that takes place in the College.

This list is not exhaustive and there may be other measures that can be tailored to the individual circumstances of the person involved. It is the choice of the person involved whether to accept the support and the College cannot share what they have disclosed with anyone unless there are reasons to break confidentiality.

4.6 Perpetrators of domestic violence

Gender based violence perpetrated by staff or students will not be condoned under any circumstances nor will it be treated as a purely private matter. The College recognises that it has a role in encouraging and supporting staff and students to address violent and abusive behaviour of all kinds.

If an employee or student approaches the College about their abusive behaviour, the College will provide information about the services and support available to them, and will encourage the perpetrator to seek support and help from an appropriate source.

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In addition staff and students can seek support themselves directly from the Occupational Health Service or from Student Services which is a free and confidential service for all staff.

The College 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.

An individual cautioned or convicted of a criminal offence may be subject to the colleges Disciplinary Policies and Procedures. The College also reserves the right to consider the use of these policies should an individual's activities outside of College have an impact on their ability to perform the role or undertake their course and/or be considered to bring the organisation into disrepute. In some circumstances it may be deemed inappropriate for the individual to continue in College, due to a caution or conviction.

The College views the use of violence and abusive behaviour by an individual, wherever this occurs, as a breach of the College's Disciplinary Policies.

Staff and students are expected at all times to present high standards of personal integrity and conduct that will not reflect adversely on Borders College and its reputation.

These procedures can be applicable in cases where an individual has:

- behaved in a way that has harmed or threatened his/her partner.
- possibly committed a criminal offence against his/her partner.
- had an allegation of gender based violence made against him/her.
- presented concerns about their behaviour within an intimate relationship.

The College is committed to ensuring that:

- allegations will be dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure.
- everyone will receive guidance and support.
- confidentiality will be maintained and information restricted only to those who have a need-to-know.

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- investigations will be thorough and independent.
- all cases will be dealt with quickly avoiding unnecessary delays.
- all efforts will be made to resolve the matter within 4-6 weeks, although some cases will take longer because of their nature or complexity.

This procedure is intended to be safety focussed and supportive rather than punitive.

The alleged perpetrator will be:
- treated fairly and honestly.
- helped to understand the concerns expressed and processes involved.
- kept informed of the progress and outcome of any investigation and the implications for any disciplinary process.
- advised to contact their union or professional organisation.

There are four potential strands in the consideration of an allegation:
- a police investigation of a possible criminal offence
- disciplinary action
- providing specialist, safety-focused counselling
- identifying risk

Any employee who is responsible for giving advice or support to those experiencing gender based violence needs to be particularly aware of the potential consequences.

If an individual is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones, email, social media, etc. then they will be seen as having committed a disciplinary offence.

If it becomes evident that an individual has made a malicious allegation that another individual is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken.

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4.7 If the victim and the perpetrator both attend the College

In cases where both the victim and the perpetrator of gender based violence attend the College, the College will take appropriate action.

In addition to considering disciplinary action against the individual who is perpetrating the abuse, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the College.

Action may also need to be taken to minimise the potential for the perpetrator to use their position or resources to find out details about the whereabouts of the victim. This may include a change of duties for one or both individuals or withdrawing the perpetrators access to certain computer programmes or offices.

However, it is also recognised that in certain circumstances, those experiencing and perpetrating gender based violence in a relationship may choose to seek solutions jointly, and in such situations appropriate support should be given.

4.8 Role of colleagues

The College encourages individuals to report if they suspect someone is experiencing or perpetrating abuse. They should speak to their line manager or Student Support services about their concerns in confidence. In dealing with a disclosure from an individual, you should ensure that the person with concerns is made aware of the existence of this policy and procedure.

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4.9 Sources of Information and Help

Local advice and support

Border Women's Aid	01835 863514
Domestic Abuse Advocacy Support (DAAS) service	01835 825024
Domestic Abuse Community Support (DACS) service	01750 22892
Child Protection Unit	01896 664580
LetSBsafe2 Children1st	01750 22892
Occupational Health Service	01896 825982
Police Scotland	101

Police Scotland Domestic abuse – support and information
W: https://www.scotland.police.uk/keep-safe/advice-for-victims-of-crime/domestic-abuse/reporting-domestic-abuse/

The Samaritans	01750 20000
SBC social care and health (Adult Protection)	0300 100 1800 (option 4)
Scottish Borders Rape Crisis Centre Helpline	0800 054 2445
Scottish Borders Rape Crisis Centre	01896 661070
Social Work out-of-hours	01896 752111
Victim Support	01896 751212
SBC Homelessness Service	0800 3761138
Shakti Women's Aid	0131 475 2399

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National advice and support

Scottish Government
https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/
www.endgbv.uk

ChildLine		0800 1111
LGBT Helpline(s):	Edinburgh – Wed 12.30 pm-7 pm only **0131 556 4049** Strathclyde – every night 7 pm-10 pm **0141 847 0447** London – daily 10 am-11 pm **020 7837 7324**	

All staff who deal with the helplines identify as LGBT.

MALE advice Helpline	0808 801 0327
RESPECT Helpline	0845 122 8609
National Domestic Abuse Helpline	0800 027 1234
NHS 24	08454 242424
Rape Crisis Scotland Helpline	08088 01 03 02
W: https://www.rapecrisisscotland.org.uk	
Broken Rainbow UK Helpline	0300 999 5428
Victim Support Scotland	0845 60 39 213
W: https://www.victimsupportsco.org.uk/	
MASH (Men As Survivors Helpline)	0117 90 77 100
Abused Men in Scotland (AMIS)	0808 800 0024
National Stalking Helpline	0808 802 0300

National Association for People Abused in Childhood (NAPAC)
https://napac.org.uk/what-napac-does/
Stop It Now https://www.stopitnow.org.uk

In the event of an Emergency, call the police on 999

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5. Responsibilities

5.1 The SLT is responsible for overseeing compliance with the principles of this policy.

5.2 The Head of HR/Head of Student Services are responsible for the implementation of this policy.

5.3 All staff and students are responsible for ensuring compliance with this policy.

6. Related Documents

6.1 Disciplinary Policy and Procedure
6.2 Student Behaviour and Discipline Policy
6.3 Equality, Diversity and Inclusion Policy
6.4 Bullying and Harassment Policy
6.5 Safeguarding Children and Adults at Risk of Harm Policy

7. Review

This policy will be reviewed every three years or more regularly if required.

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AFFECTED BY DOMESTIC ABUSE?

JUST ASK - SCOTTISH BORDERS SUPPORT AGENCIES

SPECIALIST DOMESTIC ABUSE SUPPORT

Domestic Abuse Advocacy Support (DAAS) Service
01835 825024

Children 1st Borders – Domestic Abuse service (men, women and adult survivors of childhood sexual abuse)
01750 22892

Border Women's Aid
01835 863514

Scottish Borders Rape Crisis Centre
0800 054 2445
01896 661070 (office)

Shakti Women's Aid
0131 475 2399

ADVICE AND SUPPORT FOR CHILDREN

Children 1st Borders – Domestic Abuse service (children and young people including abuse, trauma and recovery)
01750 22892

Children's Integrated Services teams:
Duns
01361 886115
Galashiels
01896 661880
Hawick
01450 364777
Innerleithen
01896 833489
Kelso
01573 223501

Childline
0800 11 11

Penumbra Youth Project (16-25)
01896 751177

HEALTH ADVICE

Borderline
0800 027 4466

Scottish Association of Mental Health (SAMH)
01896 759746

Sexual health clinic
01896 663700

NHS 24
08454 24 24 24

ADVICE ON SUBSTANCE MISUSE

Addaction Borders (Adults)
01896 757843

Borders Addiction Service (Adults)
01896 664430

Action for Children (Children & Families)
01896 755055

HOUSING ADVICE

Berwickshire Housing
01361 884000

Eildon Housing
01750 725900

SBC Homelessness Service
0800 376 1138
01896 661385

SBHA
01896 662870
01750 724444

SAY Women
0141 552 5803

Waverley Housing
01450 364200

REPORTING A CRIME AND LEGAL ADVICE

Victim Support Scottish Borders
01896 751212

Citizens Advice Bureau
01896 753889
01450 374266
01721 721722

Legal Aid
0845 122 8686

Police Scotland
101

GENERAL SUPPORT AND ADVICE

SBC Welfare Benefits Service
0300 100 1800
01896 661394

Social Work out-of-hours
01896 752111

Borders Independent Advocacy Service (BIAS)
01896 752200

The Samaritans
01750 20000

Child Protection Unit
01896 664159

Adult Protection Unit
0300 100 1800 (option 4)

Breathing Space
0800 83 85 87

All contact numbers valid as at July 2014

NATIONAL DOMESTIC ABUSE HELPLINE
0800 027 1234

ABUSED MEN IN SCOTLAND (AMIS)
0808 800 0024

RAPE CRISIS SCOTLAND HELPLINE
08088 01 03 02

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Equality Impact Assessment Tool

(Rapid impact assessment tool)

What Impacts may there be from this proposal on any group's ability to use the College services?

Policy: Gender Based Violence Prevention and Support Policy and Procedure

Positive Impacts (Groups affected)	**Negative Impacts (Groups affected)**
This policy is implemented equally for all staff and students. The positive impact it may have is to ensure that all individuals are treated equally regardless of any protected characteristic.	None
Actions taken to alleviate any negative Impacts: No negative impacts	
Recommendations: Updated policy to be adopted	

From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?

No

Has a full Equality Impact Assessment been recommended?

Yes ☐

No x

Reason for recommendation:

No negative impacts

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Status:	Approved by JCCP (pending F&GP Committee Approval)
Policy Dated:	November 2019
Author:	Head of HR and Development
Review Date:	October 2021
Equality Impact Assessed:	September 2011

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