

Gender Based Violence Protocol

1. Introduction

This protocol is designed to give information about:

- Gender-based violence – what it is and how it affects women and girls;
- The circumstances when an adult protection or child protection referral may be required;
- Information about response to gender-based violence - Multi-agency Risk Assessment Conference (MARAC), the Safe and Together approach, and local services which may assist.

This protocol sits as Appendix 10 of the 2023 Adult Protection procedures.

Gender-based Violence will not always need a response under adult or child protection procedures, but it is important to be clear that responding to the risks posed by gender-based violence is an integral part of public protection and the promotion of a safe Shetland that respects and cares for all members of the community. A basic level 1 Gender Based Violence e-learning is available on SIC iLearn, NHS Shetland TURAS and for anyone else on the www.saferшетланд.com website. In addition Level 2 half day training is available – please contact SIC Workforce Development for more information.

2. Gender-Based Violence

2.1 What do we mean by gender?

Gender refers to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time.

Gender is hierarchical and produces inequalities that intersect with other social and economic inequalities. Gender-based discrimination intersects with other factors of discrimination, such as ethnicity, socioeconomic status, disability, age, geographic location, gender identity and sexual orientation, among others. This is referred to as intersectionality.

2.2 What is Gender-Based Violence?

Gender based violence includes intimate partner abuse, domestic abuse, coercive control, emotional abuse, sexual assault, rape, sexual harassment,

image-based abuse, reproductive abuse, childhood sexual abuse, sexual exploitation, forced marriage, stalking, grooming and “honor killings.”

Gender-Based Violence includes all forms of domestic abuse – physical, verbal, sexual, psychological or financial abuse which takes place within the context of a relationship (please see section below in respect of child protection).

2.3 Prevalence of Gender-Based Violence

Statistics can give an indication of the level of gender based violence but it is important to note that most incidents of coercive control and abuse are not reported so published statistics will be an underestimate of what is actually happening.

- Scottish Government estimate that 1 in 3 women experience abuse in their lifetime.
- There are over 100 reported cases of domestic abuse in Shetland every year. In Scotland the police recorded 64,807 incidents of domestic abuse in 2021-22.
- Where gender information was recorded, around four-in-five (81%) incidents of domestic abuse in 2021-22 involved a female victim and a male suspected perpetrator. This increased slightly from 80% in 2020-21.
- In 2021-22, 15% of domestic abuse incidents involved a male victim and a female suspected perpetrator (where gender information was recorded). This decreased slightly from 16% in 2020-21.
- On average, one woman is killed by a man every 3 days in the UK. One hundred and ten women were killed by men in 2020.
- In 2021-22 Shetland Women's Aid supported 103 women. This is a slight decrease from 2020-21 with 117 women being supported. Women's Aid Children's Services for 2021-22 supported 62 children which was an increase from 45 in 2020-21.
- In 2021-22, 94 people accessed help from The Compass Centre (Shetland Rape Crisis). This was 84 women, 9 men and 1 non-binary. This is a 38% increase from a record high of 68 (62 women and 6 men) in 2020-21.
- In 2018-19, 2,673 children in Scotland were referred to the Reporter under section 67(1)(f) of the Children's Hearings (Scotland) Act 2011, due to a "close connection with a person who has carried out domestic abuse" (SCRA 2019). This does not include children referred on other grounds who may also have experienced domestic abuse.
- For the estimated 2,668 children on the child protection register at 31 July 2018, there were 6,830 concerns relating to domestic abuse at the case conferences at which they were registered.

2.4 What about men?

Although statistics give a very clear picture that gender-based violence impacts mainly on women and girls, men can also be affected.

- The vast majority of men are not perpetrators of abuse and have a key role to play in preventing and challenging domestic abuse and other forms of GBV.
- Men may be at lower risk of experiencing gender-based violence than women - it is important to recognise that there are men within local communities who are, or have, experienced domestic abuse and/or other forms of physical, sexual and emotional abuse as an adult or a child.
- Gender stereotypes around 'masculinity' may prevent men from recognising that they have experienced such abuse. It may stop them from seeking support. Men who experience abuse may not know how to access specialist support services and/ or may not know which services are open to them.
- A gendered approach is required in ensuring systems understand the differing needs of men as victims, as men may experience abuse in different ways to women, and report different long-term impacts.
- Gender stereotypes around masculinity make some men believe they are entitled to use violence and abuse in order to feel powerful and in control.
- Men experiencing stress, financial difficulties and frustration with their lives may be more likely to perpetrate abuse. Personal difficulties are never an excuse for harming another person, but it is important that systems and services are in place that recognise the relationship between gender and the perpetration of abuse and can ensure perpetrators are held to account for and supported to change these harmful behaviours.
- Scotland's Equally Safe strategy is committed to increasing perpetrator accountability for their actions and challenge the behaviours and attitudes which have normalised the prevalence of this abuse.

3. Systematic responses to Gender-Based Violence – National and Local Resources

3.1 Multi-Agency Risk Assessment Conferences

Multi-Agency Risk Assessment Conferences are local meetings where representatives from statutory and non-statutory agencies meet to discuss individuals at high risk of serious harm or murder as a result of domestic abuse. A referral to a Multi-Agency Risk Assessment Conferences should be considered at the point this risk is identified. Multi-Agency Risk Assessment Conferences can play a vital role in terms of safety planning for victims of domestic abuse and their children. Safelives, a UK-wide domestic abuse

charity, has developed a suite of resources to help ensure that each Multi-Agency Risk Assessment Conference keeps as many victims of domestic abuse as possible safe. Multi-Agency Risk Assessment Conference has been in place in Shetland since 2013 and, on average, responds to 20 to 25 cases per year which fall into this high risk category. Specific Multi-Agency Risk Assessment Conference risk assessments are completed mainly by Police Scotland and Shetland Women's Aid, although other professional in Social Work, NHS services and Housing can also be trained to do this. Where these risk assessments identify high risk cases a referral to the Multi-Agency Risk Assessment Conference coordinator is made who then ensures the situation is discussed at the next Multi-Agency Risk Assessment Conference meeting.

3.2 Multi Agency Tasking and Coordination

Multi-Agency Tasking and Coordination is a Police Scotland-led and chaired initiative to identify and manage the most harmful domestic abuse perpetrators. Multi-Agency Tasking and Coordination aims to effectively tackle offending by domestic abuse perpetrators who present the greatest risk of harm. It does this through:

- effective partnership working to identify those domestic abuse perpetrators who present the greatest risk of harm;
- multi-agency information sharing to support intelligence development and proactive enforcement action against identified perpetrators;
- using tasking and co-ordination to proactively investigate identified perpetrators, using relevant and legitimate tactics.

3.3 Safe and Together

The Safe and Together system of protecting children and young people by working in partnership with the non-abusing carer and holding the perpetrator to account is in the process of being introduced to Shetland Social Work Services.

The Safe and Together Model is based on partnering with domestic abuse survivors and intervening with domestic abuse perpetrators in order to ensure the safety and wellbeing of children. The Safe and Together approach includes principles and elements essential to safe practice. These are to:

- keep the child safe with the non-abusive parent;
- form a supportive partnership with the non-abusive parent;
- hold the abusive parent accountable for their abuse.

Within this approach, practitioners from statutory and non-statutory agencies work collaboratively and reach consensus to ensure the safety and wellbeing

of children living with domestic abuse (Humphreys, Healey and Mandel 2018). Practitioners will:

- locate responsibility for the abuse with the perpetrator and recognise their abuse is a parenting choice;
- get as much information about fathering and father's parenting choices as about mothering and find out about the pattern of abuse and how this affects choices available to the non-abusing parent;
- explore the perpetrator's pattern of coercive control to identify all forms of abuse and control in both current and previous relationships, rather than outlining singular incidents of physical violence;
- assess how abuse has harmed the child, including descriptions of direct physical, emotional and sexual abuse from the perpetrator to the child, as well as the way in which the domestic abuse has harmed them;
- assess wider wellbeing impact upon the child;
- define how the non-abusing parent has promoted the safety, wellbeing, stability and nurture of their children;
- assess the interaction of other factors like substance abuse, mental health, culture, and how other socio-economic factors are considered and addressed.

3.4 Respect

This is a programme used by social workers in the Justice Team to work with court and non-court mandated offenders who have been convicted of domestic abuse offences. It also includes supporting the victim of the offence. Shetland Women's Aid support this programme if the victim is a woman.

3.5 Local and National Resources

The safer Shetland website (www.safershetland.com) has a comprehensive list of local and national resources and has a specific section on domestic Abuse and gender based violence [Domestic Abuse & Gender Based Violence | Shetland Public Protection Committees \(safershetland.com\)](http://www.safershetland.com)

4. How to respond to Gender-Based Violence

Given the prevalence of gender-based violence, it is highly likely that most people will encounter it at some point in their life – either personally or within their family or friends or professionally. It is important to know how to respond safely, where and when to seek advice and when referrals into adult or child protection maybe needed.

When responding to any situation that is potentially abusive, it is always important to ensure that the response made does not increase the risk to the person being harmed. Any approach which alerts the perpetrator so that they have an opportunity to increase control and isolate the victim further should be avoided. Other than situations of immediate physical risk, a careful and trauma informed approach is the appropriate response.

If you are aware that someone is potentially in a situation of gender based violence, the best approach is as follows.

- To take time and care and find a safe and confidential space to ask the person if they are okay.
- Share honestly what your concerns are and that you want to help;
- Give them time and space – the person may not see themselves as being in a harmful situation. Many people assume that gender-based violence or domestic abuse is about physical harm and the fact that a partner is controlling their money, dictating what they wear or isolating them from family may not be seen initially as abuse.
- Although it may be tempting to take control or offer to “sort-out” the problems, it is important to empower people to make their own choices about their lives.
- Do not be disappointed or feel rejected if the person initially denies or rejects help. Stay in touch and let them know that you are there to give support in a non-judgemental way.
- If the concern is for a colleague at work then both NHS Shetland and Shetland Islands Council have clear domestic abuse policies in place to assist employees ,and line managers can offer advice and support;
- Do not approach the perpetrator or seek to address their behaviour as this will raise the risk to the person you are concerned about.
- Be mindful of people who may be at increased risk – adults with learning disabilities, mental health problems, pregnant women, or women who have recently left an abusive relationship. The perpetrator may seek to exert extreme control when a survivor has left a relationship and this can escalate into stalking, harassment and physical violence.
- Seek advice on how to help from local services – the Compass Centre and Shetland Women’s Aid.
- Consider if the situation you are concerned about may fall under adult or child protection and seek advice from the relevant Duty Social Work if you are concerned that a child or adult is or may be at risk.

5. Gender-Based Violence and Adult and Child Protection

Shetland Interagency Child Protection 2023 and Shetland Interagency Adult Protection 2023 Procedures include this Domestic Abuse and Gender Based Violence Protocol.

- Any member of staff working in any agency or third sector organisation can access the protocol for advice and support if they become aware of someone living with Gender-Based Violence/domestic abuse.
- Adults who would not meet the criteria for an adult at risk and/or who are not living with children may still need the right help and support to assist them and it would always be appropriate to find safe ways to offer advice - even if the adult is not at a point where they can accept that. See Section 4 above.
- In high risk situations referral to Multi-Agency Risk Assessment Conference can be made without consent. Seek advice from Duty Social Work, Police Scotland or Shetland Women's Aid about risk assessment and referral to Multi-Agency Risk Assessment Conference.
- If there is significant risk to a child or a vulnerable adult then staff have a duty to make an adult or child protection referral and should consult with the Children and Families Duty Social Work or the Adult Services Duty Social Work. Consent is not required to make an adult or child protection referral.

5.1 Adult Support and Protection

The following three point criteria is used by adult social work to assess if an adult is an adult at risk of harm.

Adults "at risk" are adults aged over 16 who:

- Are unable to safeguard their own well-being, property, rights or other interests;
- Are at risk of harm;
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

All three points of the definition need to be met.

Shetland Adult Protection Procedures 2023 (add weblink) give clear information about the Adult Support and Protection (Scotland) Act 2007 and also the Stepwise guide to follow if an adult could be at risk.

Gender-based violence can be linked with other forms of harm. For example care staff may become aware of financial harm, but that could be linked to coercive control and be part of a bigger picture.

Adults affected by learning disabilities, mental health problems or substance use issues may be more vulnerable to exploitation and abusive relationships.

When adults require support and care at home, carers and NHS staff may become aware of a domestic abuse situation which could have existed for many years behind closed doors. Even if this is the case it will still be appropriate to seek advice and guidance as there should be a zero tolerance approach to gender-based violence.

In any situation where there is a risk or potential risk to an adult, it will always be appropriate to follow the Stepwise guide and seek advice from a line manager, and, if needed, Duty Social Work from the Adult Social Work team.

5.2 Child Protection

The National Guidance for Child Protection (2021) [National guidance for child protection in Scotland 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-guidance-for-child-protection-in-scotland-2021/pages/1-4-information-about-the-impact-of-domestic-abuse-on-children-and-young-people.aspx) has in Section 4 information about the impact of domestic abuse on children and young people as follows.

Domestic abuse is any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship may be between partners (married, cohabiting, in a civil partnership or otherwise), or ex-partners. The abuse may be committed in the home or elsewhere, including online. Domestic abuse includes degrading, threatening and humiliating behaviour predominantly by men and predominantly towards women. It is a gendered crime and is underpinned by attitudes and inequalities between men and women that continue to be prevalent in society. It may be committed in the home or elsewhere; and may include online activity. There is significant evidence of links between domestic abuse and emotional, physical and sexual abuse of children, and children themselves can experience domestic abuse as 'coercive control' of the whole family environment, not just of their mother.

Violence against women and girls refers to a range of actions that harm, or cause suffering and indignity to, women and children. These include but are not limited to physical, sexual and psychological violence in the family, general community or in institutions. This includes domestic abuse, rape, incest and child sexual abuse; sexual harassment and intimidation at work, online, at home or in public; commercial sexual exploitation including

prostitution, pornography and trafficking; and so called 'honour-based' violence, including dowry-related violence, female genital mutilation, forced and child marriages, and 'honour' crimes. The Scottish Government's definition of violence against women and girls is based on the United Nations Declaration on the Elimination of Violence Against Women (Equally Safe: national strategy). Article 19 of the UNCRC requires public authorities to take all appropriate measures in relation to protection of children from all forms physical and mental violence, injury or abuse etc.

Emotional and psychological harm. Children are harmed by experiencing behaviour that is, intimidating and degrading, threatening, exposing of intimate information, or accusing and blaming. Coercive and controlling behaviour is also harmful. Examples of coercive and controlling behaviour include when the child and non-abusive parent are isolated from friends and family, or when abusers cut off the non-abusive parent's access to a phone or a bank account. Chronic trauma can disrupt attachment, achievement, concentration and wider relationships. The traumatic impact of domestic abuse is often masked, and emerges indirectly in anxious or troubled behaviours in teenage years.

Abuse between young people. Young people may experience abuse and coercive control in their own relationships outside of the family home. As within adult domestic abuse, this can include physical, sexual and emotional abuse. This is often unrecognised, and victims may choose not to disclose it. Social media and digital technology may be used to perpetrate the abuse.

The **child protection response** by statutory agencies will depend on professional judgement about the risk of harm and the urgency of the circumstances. Domestic abuse is always a wellbeing concern. It may be a child protection concern if there is evidence that significant harm has occurred or may occur. Professional judgement involves consideration of key factors such as the child's experience, needs and voice (and those of other children affected); the non-abusing parent's views, choices, strengths and abilities to use available supports; the presence of other complicating factors such as parental alcohol and drug use; and the abuser's pattern of coercive control.

If a child or young person up to the age of 18 (or over the age of 18 in situations where the young person is still attending school) and there is a risk of significant harm or assess that there is possible risk then it is appropriate to follow the Stepwise Guide in the 2023 Child Protection Procedures and contact a line manager and the Duty Social Work from the Children's Social Work team.