

Staff guidance: Responding to disclosures of gender-based violence

1. Introduction

- 1.1 As a member of staff within the university or one of its academic partners, you may encounter students who have experience of gender-based violence.
- 1.2 Gender-based violence is an overarching term which encompasses a number of abusive behaviours which can affect any gender but are more commonly experienced by women and perpetrated by men. However, it is important to note that it can impact individuals of any age, gender, sexual orientation, faith or ethnicity. The types of violence can include:
- Domestic abuse (including coercive control/manipulation)
 - Stalking
 - Harassment or any unwanted conduct which has the purpose or effect of violating the dignity of an individual, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, relating to their gender, sexual orientation or gender identify.
 - Rape and sexual assault
 - Child and childhood sexual abuse
 - Commercial sexual exploitation, including prostitution, pornography and trafficking
 - Female genital mutilation
 - Forced and child marriages
 - Abuse by other family members, so called 'honour-based' and dowry-related violence crimes;
 - Threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life
- 1.3 In Scotland, 59,541 incidents of domestic abuse were recorded by the police in 2017/18. Within the same period 2,336 people in the Highlands reported domestic abuse to the police. Gender based violence impacts all age groups and students can be vulnerable. For example:
- 1 in 4 female students have experienced serious assault since age 16 in Scotland,
 - 16 to 27-year-old men are responsible for more than one third of reported rapes in Scotland
 - Women between the age of 16 and 24 are at highest risk of experiencing stalking and harassment.
- 1.4 This guidance has been created to support staff in dealing with disclosures of gender-based violence appropriately. Staff are not required to be experts in abuse or trauma but should have a good understanding of the impact and be able to sign post accurately and effectively to either internal Student Services or [local/national organisations](#).
- 1.5 The guidance is split into 4 steps:
- Step 1: Communicating with a student experiencing GBV
 - Step 2: Assessment and safety planning
 - Step 3: Next steps and documentation
 - Step 4: Manage

- 1.6 Please note that Step 1 could involve any staff member but Steps 2-4 are likely to be the responsibility of your local Safeguarding Officer.
- 1.7 Every member of staff has an individual responsibility to ensure the safety and protection of all students and visitors, including children and adults at risk of harm. The requirement is for staff to respond proactively and protectively to alleged or actual harm. This is not optional.

2. Communicating with a student experiencing gender-based violence

2.1 Provide a supportive environment

- 2.1.2 Where possible, talk to the student in a safe, quiet and confidential setting. The conversation should be supportive, therefore ensure you listen in a non-judgemental manner and allow the student to speak freely.
- 2.1.3 Speak to the student on their own, unless they request that someone is present with them.

2.2 Communicating with the student

- 2.2.1 We live in a society where very few perpetrators are prosecuted, and survivors are often not believed, therefore it can be a big step for a student to disclose an experience of gender-based violence and it can carry an element of risk. They may be scared or frightened and be unsure about how their disclosure will be received and what the consequences of their disclosure will be.
- 2.2.2 It is important the student feels supported during their conversation with you therefore bear in mind your body language and ensure you convey an attitude which shows you care, are non-judgemental, non-blaming and respectful. This will help the student to develop a sense of trust in you. Be honest with the student and do not make promises you are unable to keep. Remember the student has gone through a traumatic experience and it is important not to minimise their experience.
- 2.2.3 During your conversation with the student, it is important that you:
- Allow the student time to think about how to respond to any questions you ask them, be mindful not to rush them.
 - Recognise that the disclosure may relate to multiple forms of abuse, to more than one perpetrator, that the abuse may have happened in the past, happening now or has been ongoing for some time.
 - Understand the student may know the perpetrator or may not.
 - Are supportive and sensitive to any emotional distress or fear the student may be experiencing.
 - Listen actively to what is being said. Don't try and pre-empt what is being disclosed.
 - Acknowledge what is being said using words such as 'That must have been really difficult/frightening...' or 'You are right to feel the way you do, with support you will get through this'

- Affirm that the student has done the right thing by approaching you and talking about the abuse.
- Self-blame can be a common response to gender-based violence so it is important to reinforce that the abuse is not their fault as there is no justification for any form of abuse and all fault lies with the perpetrator.
- Keep your language simple and easy for the student to understand, avoiding the use of jargon or terminology they may not understand.

2.2.4 It is important to advise the student that any response by the institution will be guided by their preference, except where safeguarding in an issue.

2.3 Confidentiality

2.3.1 Confidentiality is important to establish trust with a student who is disclosing any form of abuse. It is important that you set out confidentiality boundaries from the start of your conversation with them, in particular make clear the following:

- That you will take notes about what they disclose including what happened, where, when and who was involved and if there were any witnesses.
- Anything that has been written they will be able to view and keep a copy, if they wish.
- You will need to pass, in a safe way, what is written down to someone in the university who is more specialised in dealing with these issues, usually the Safeguarding Officer.
- Sharing of information is done to increase their safety
- You will keep them alerted to what has been shared and with whom.

2.3.2 Should there be any significant risk to the student or anyone else, contact your local Safeguarding Officer or if they are not available speak to a member of Senior Management straight away. Only in situations of immediate real live risk would the police need to be called. Unless the student is a vulnerable adult or a child then a call to the police should only ever be at the student's request.

2.3.3 Please note that your role is not to act as investigator, but to listen, support and guide, as appropriate. Do not ask for unnecessary information.

2.3.4 Once you've had an initial discussion with the student and gained the main details, the case should be passed to the Safeguarding Officer, if there is a risk present, as they are trained and have experience in dealing with sensitive matters. The student may continue to ask for your support and may feel more comfortable with your involvement, rather than the Safeguarding Officer. However, from this stage on, the Safeguarding Officer should be involved in the process and where appropriate, lead on activities.

3. Risk Assessment and safety planning

3.1 Assessment

3.1.1 The assessment you (or the Safeguarding Officer) will undertake when speaking to the student should not be extensive or intrusive. The main details you need to be aware of are:

- The abuse is happening or has happened
- The level of risk posed to the student (safety planning template attached)
- That the student is advised how to access appropriate internal and external services which can provide them with specialised support.

3.1.2 As the recipient of any disclosure, you (or the Safeguarding Officer) do not need to know the full extent of the abuse. Specialised support services e.g. counselling/support service will work through this in a therapeutic environment.

3.2 Safety planning

3.2.1 Safety planning is carried out in conjunction with the student to minimise the risks identified and maximise their safety. Areas which should be focussed on are:

- Safe accommodation – discuss the options available to the student e.g. could they stay with a relative/friend if the abuse is taking place at home? Women’s Aid accommodation may also be an option for the student.
- University services – Student services can provide a range of support services and the local facilities team may be able to provide immediate and long-term support
- Specialist Service – there are a number of local and national services which can provide the student with the support they require. Details of these can be found [here](#)
- Safety template – the student might find it helpful to complete this so they are prepared and equipped to deal with abusive situations (looks ESHE for further info)
- Self-care – the student may disclose to you some traumatic experiences which you may find difficult and stressful to hear. It is important that you are supported and have the opportunity to discuss the situation with your line manager or another colleague. To ensure student confidentiality is upheld you should not reveal the student’s name during this discussion.

3.2.2 It is important that when a student discloses their experience that you/Safeguarding Officer take into consideration their immediate safety. The below discussion points with the student will help to confirm this:

- Believe the abuse is not their fault
- Ask them to keep a diary of events, if possible
- Get them to talk to someone they trust
- Get them to seek support from your [local Rape Crisis Centre](#) such as Rape and Sexual Abuse Service Highland (RASASH)
- Have any injuries treated and documented by their GP or other health care professional
- Confirm if they wish to report what has happened to the police
- Identify a safe place they can go to in an emergency
- Identify and agree a code word with supportive friends and families in case the student needs to call them in an emergency.
- If the student does not wish to report to the police, ask them what they would like the university to do with the information (this is explored further in section 6)

3.2.3 The CAADA-DASH Risk Identification Checklist (RIC) is useful in establishing the level of risk in relation to domestic abuse, stalking and honour-based violence.

The MARAC (Multi Agency Risk Assessment Conferencing) addresses risk in relation to high risk cases of domestic abuse, stalking and honour-based violence. The MARAC process aims to reduce risk and prevent re-victimisation and highlight risk to a third party e.g. children and young people, other family members, staff.

UHI Staff should refer to MARAC if high risk is identified. For further information please visit <https://www.hvawp.scot.nhs.uk/marac/> and click on the link 'MARAC RIC_without_guidance (2017)'. Or contact the local MARAC Coordinator.

3.3 Consultation by recipient of disclosure with others

3.3.1 After a student discloses to you/Safeguarding Officer, you should consult with a senior manager or another relevant member of staff (i.e. line manager) and advise them of the outcome of the discussion had with the student. This is particularly relevant should it be required to report risk of harm to another staff member or the police. It is also an opportunity for you/Safeguarding Officer to gain support and information or guidance on any aspects of the disclosure there may be uncertainty about. The discussion may include:

- What has been discussed with the student?
- What was the outcome of the discussion?
- What are your support needs including any ongoing personal/professional development needs?
- Awareness of protected characteristics e.g. if the student is from the LGBT community, related to the forces or is disabled and requires additional support or safety measures.

4. Next Steps and Documenting Disclosure

4.1 It is good practice to take notes during the conversation with the student as these may be used for evidence and will be important should there be an investigation by the university or the police. These notes do not need to be overly detailed, complex or verbatim. However, if you do gain a quote from a student, adding quotation marks can be useful. Remember that your role is not to act as investigator, but to listen, support and guide, as appropriate. Do not ask for unnecessary information. The following should be taken into account:

- Records are confidential, anonymised and kept in a secure place as per your local storage systems. Access to the record must be locked so only you/Safeguarding Officer have access to it.
- The student has agreed to the information contained within the note
- The student should have the right to see their record and make corrections if it is factually inaccurate.

4.2 Details to be logged include:

- Date and time meeting with student took place
- Date and time the notes were written (if different from the above)
- Name and signature of the note taker
- Details of the disclosure and the identified concerns

- Confirmation the student agreed with the information recorded and was made aware of the next steps e.g. what happens with the notes and what happens next and when.

4.3 Guidance on documenting disclosures and note-taking

- Check the preferred pronoun for the student i.e. he/she or they
- Note the students name and request a safe way and time to contact them
- Summary of the incident (this does not need to be overly explicit) including
 - Where it happened
 - When it happened
 - Who did it
 - Was anyone else involved?
- When asking the above questions, be careful of your language and how you structure these questions. Ask them naturally and not as a checklist.
- Did anyone else see what happened?
- Check the student agrees with what has been recorded and important to gain a signature, if possible.
- If a verbal agreement has been provided, please record this.
- Inform students of what happens to the notes and the next steps.
- All notes should be uploaded and emailed using a safe and secure system.
- If known, the name of the alleged perpetrator however it is up to the student whether they wish to disclose this information and their decision whether to do so, or not, must be accepted. However, if the student is under 16, or over 16 but under 18 and in care, subject to a Compulsory Supervision Order (Children's (Scotland) Act). Concerns should be logged even where the perpetrator is unknown. **Please note: It is not your duty to investigate, this is a statutory remit for Police and Social Work.**
- If the perpetrator is a member of staff please note the name given and report to your local HR team who will follow local procedures.
- If the student discloses that there are other children in the home or elsewhere under 16, or over 16 but under 18 and in care, who could be at risk then once again these concerns should be passed on as per above. **Please note: It is not your duty to investigate, this is a statutory remit.**
- If a safety plan has been created with the student, please ensure these are recorded as per the safeguarding guidelines/procedures.

5. Step 4 – Manage

5.1 Once this stage is reached responsibilities are almost done. The final steps are to:

- Ensure any agreed actions are completed within the agreed timescales and update the student as appropriate.
- The record within step 3 should also be updated, if required.

6. Police reporting

- 6.1 It is up to the student whether or not they wish to report any incidents to the police, they must be in control of the decision. At no point should they feel forced to do so, or influenced by you, it is not your decision to make, however you can provide a listening ear and support them whilst they are making the decision.
- 6.2 Once the student has decided what to do you should advise them to consider seeking medical help as they could be injured, at risk of pregnancy or contracting a sexually transmitted infection (STI). If the child is under 16 or under 18 and in care, refer to your local child/adult protection guidelines.
- 6.3 In addition, Rape Crisis Scotland, can provide the student with specialist support to help them deal with the incident and can be contacted at any point in this process.
- 6.4 The university will be unable to investigate any incidents whilst an official police investigation is underway however precautionary actions may be taken, and disciplinary procedures may be applied, to reduce risk and ensure the safety of others. The university will consult with the police during this period to ensure integrity of investigation.
- 6.4.1 **Student wishes to report to police**
- 6.4.2 The student should be encouraged to make the initial call to the police themselves as allowing them to take control of what happens next is an important step in helping them to process and deal with the incident. If they do not wish to do this, ask if they would like you or someone else to do this on their behalf.
- 6.4.3 Call 101 to make the report to the police and let facilities know this has been done so they can direct them as appropriate once they arrive at campus.
- 6.4.4 The police will take a statement from the student (either on site or at the police station) and will then decide whether to take the student to the local police station or hospital.
- 6.4.5 The student may want to take someone for support, perhaps a friend, relative or in some cases they may wish a staff member to accompany them. It would be preferable this person is not a witness of the incident. They will need a change of clothes for after the examination, if they have not already changed, or, if they have changed they should take with them any potential evidence such as clothes, bedding and used condoms in clean plastic bags. Try to ensure clothing is kept secure to ensure evidential integrity. In addition, they should be encouraged not to wash, brush their teeth, eat or go to the toilet.
- 6.4.6 If the alleged perpetrator is subsequently charged, there are grounds to suspend them from their studies until the formal investigation is complete. This would be based on completion of a risk assessment and safety plan.
- 6.4.7 The university has a duty of care to support both the victim and alleged perpetrator.
- 6.4.8 The victim may also wish to obtain a restraining order. Rape Crisis Scotland, Police Scotland or a solicitor will be able to assist with this.
- 6.4.9 ***You should make the student aware that they can opt out of Police reporting process at any stage without losing any sources of support***

6.5.1 **Student does not wish to contact police**

6.5.2 There is a limit with what the university can do. The student can access internal support and be offered counselling or referred externally for professional support. An internal investigation could also be done.

6.5.3 It is important to establish what expectations the student has of the university and to manage these expectations appropriately.

6.5.3 Advise the student that forensic evidence (if appropriate) can be preserved so that they could retain the option of reporting to the police in the future.

6.5.3 [Rape Crisis Scotland website](#) provides a list of local support services which can provide the student with specialist support to help them deal with the incident, and act as an advocate for them.

6.5.4 The student should be asked if they wish the university to carry out a formal investigation. If they do the below steps should be followed:

- Disciplinary procedures can be used to investigate whether or not the code of conduct relating to sexual violence has been broken
- These procedures should be followed as normal, a judgement made and disciplinary action under the policy and procedures taken, if proven.
- Please refer to the Promoting Positive Learning Environment Policy and Procedures for further information on the university's disciplinary process.
- Both parties should be supported throughout this process with no presumption of guilt.
- If the alleged perpetrator is found 'guilty', and there is a lower burden of proof than in the courts, there is no obligation on the university to contact Police Scotland if the victim does not wish us to do so.

6.5.5 The university will only be able to take disciplinary action against individuals who are connected with the University – students, staff and contractors. Information on this can be found in the Promoting Positive Behaviour Policy.

6.5.7 If the survivor does not give permission for action to be taken under the disciplinary procedures and does not want police involvement, a risk assessment based on what is known about the alleged perpetrator should be done.

- This can include information on their behaviour and instances on when they and the survivor/victim may be in the same class together.
- Depending upon the outcome of the risk assessment, it may lead to a discussion with the perpetrator to advise an unnamed student has made an allegation. This can be done without the consent of the survivor/victim if the risk to them or others is high.
- The response of the perpetrator will be added to the risk assessment and appropriate action taken, if required.