

Preventing and Responding to Gender Based Violence Policy

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1 Purpose

At Fife College we believe that all members of the College community have the right to study and work without experiencing any form of gender based violence, abuse or harassment. Fife College will not tolerate gender based violence in any form. This is enacted through a range of activities and statements which are outlined in this document. This policy also links with other relevant Fife College policies as set out in Section 16.

We recognise that gender based violence is an issue across all of society and we are committed to ensuring that our campus is safe for everyone. The College seeks to provide a consistent, caring, and timely response when sexual and gender based violence occurs within the College community. Members of the College community, guests and visitors have the right to be free from gender based violence including sexual violence and the College prohibits such behaviour.

All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. In line with our College values, preventing and responding to gender based violence as a community will help us to align for the common good and through gender based violence CLPL will transform lives through education.

2 Scope

This policy was created to:

- increase the safety and emotional wellbeing of our Fife College Community, encompassing campuses in St Brycedale, Stenton, Halbeath, Levenmouth and Rosyth
- clarify expectations of behaviour in relation to our zero tolerance approach as outlined in our policies
- cultivate an environment that both expedites and encourages the prompt reporting of gender based violence by any member of the Fife College community affected by this
- ensure the equitable investigation and resolution of complaints
- facilitate the recovery of a victim by providing a compassionate support service and practical support

3 Application of Policy to College Staff

In respect of any rules or expectations governing the behaviour of staff, this policy applies to all College staff and third parties who are providing work to the College (including but not limited to agency workers, contractors, consultants, etc.). Any reference to “staff” should be construed accordingly.

Where reference is made to support or action to be taken under a College Policy (e.g. Disciplinary Policy), this policy applies to all workers and employees of the College.

4 Definitions

For the purpose of this policy, we draw on the Scottish Government’s Violence Against Women definition of gender based violence:

- Physical, sexual and psychological violence occurring in the family, within the general community or in institutions, including: domestic abuse, rape, incest and child sexual abuse;
- Sexual harassment and intimidation at work and in the public sphere; commercial sexual exploitation including prostitution, pornography and trafficking;
- Dowry related violence;
- Forced and child marriages;
- Honour crimes;
- Female Genital Mutilation (FGM)

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.

This does not mean that women do not use violence or carry out the actions described above. 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 children the victims.

Fife College recognises that marginalised groups, for example including persons with disabilities, and those in the LGBT+ community, may be at higher risk of experiencing gender based violence and may have particular needs. As a College we provide tailored support to these groups through our Wellbeing & Support Team and OD & HR Department.

5 Equality and Diversity Statement

Fife College is committed to providing a culture and environment which is inclusive of all sections of society and responsive to the needs of individuals. We do this by promoting equality, valuing diversity and ensuring that our Fife College community adheres to our Equality and Diversity Policy.

Fife College recognises that such incidents, detailed above, can occur in all relationships and situations, regardless of age, disability, economic status, ethnicity, faith, gender, gender reassignment, marital status and sexual orientation. Due to this, the College understands that anyone can be a victim of gender based violence, regardless of the above characteristics.

6 Policy Expectations with Respect to Sexual Misconduct

In line with the Sexual Offences (Scotland) Act 2009 the expectations of Fife College regarding sexual misconduct can be summarised as follows:

- In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity.
- Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't.
- Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence, without actions demonstrating permission, cannot be assumed to show consent.
- Additionally, there is a difference between seduction and coercion. Coercion happens when someone is pressured unreasonably for sex. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex.

- As alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation.
- Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” but “Yes” **may not** always mean, “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “No” at any point during a sexual encounter.

7 Gender-Based Violence Offences

These can include, but are not limited to:

- Physical, sexual and psychological violence (for example physical assault, rape 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 sphere.
- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
- Discrimination, 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 another intimate partner. 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 his or her safety or the safety of others e.g. unwanted gifts, sms messages, through social media.
- 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 marriage 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).

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- 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.
- Any other Fife College policy, rule or regulation, when a violation is motivated by the actual or perceived sex or gender identity of the victim may be pursued using this policy.

8 College Policies to Deal with Gender Based Violence

Allegations of gender based violence against a student will be dealt under the Positive Behaviour & Relationships Policy and allegations against members of staff through the Staff Disciplinary Policy and Procedure as appropriate. These policies outline the processes to be followed and the rights of the accused regarding representation and appeal. Appropriate support will also be given to the victim throughout these processes.

9 Interventions and Training

Fife College has a number of staff who are trained to handle disclosures relating to gender-based violence. They can offer guidance in regards to what support is available and also advise on reporting to the Police or steps to have forensic evidence taken. The Manager for Wellbeing & Support can be contacted on 0344 248 0115 and College staff can contact their OD & HR Department on the same number.

A group of Fife College students will also be trained to deliver Sexual Violence Awareness Training to students across the College. This project is aimed towards prevention as it is designed to make more students aware of how, when and why acts of sexual and gender based violence may occur. The training includes how to safely intervene if there is potential that an act of sexual violence may be about to occur. The students will also be trained in what support services are available and how best to signpost people to these services.

10 Incident Reporting

The Guidance Advisors or OD & HR Department can assist with the reporting of any incidents, and this will be carried out in a support and sensitive manner. Any incidents will be recorded on the College's Health and Safety Management Software. It is important that incidents are reported and recorded for monitoring purposes.

11 Support Available for Staff

11.1 Support for staff that have experienced GBV

The College can be a vital means of support for staff that are experiencing or have experienced GBV both in and outside of the workplace. Staff who seek help will be listened to and supported to the extent agreed between the member of staff and the College, as outlined in this Policy.

11.2 Barriers to seeking support

The College recognises that GBV is often hidden and may occur outside of the College environment. In general, disclosure rates to relevant authorities are low, with few disclosures resulting in criminal convictions. This can be the result of:

- Perceived shame or stigma surrounding GBV;
- Fear of being blamed for the GBV or being seen as weak;
- Issues relating to trust, especially where the perpetrator is a colleague or is known to the College;
- Fear of being treated differently by colleagues in relation to their work;
- Fear of disclosing personal or confidential information, such as sexual orientation or transgender status / gender assigned at birth and resulting sexual orientation or gender reassignment discrimination;
- Concern about repercussions of disclosure from the individual's community or a fear of resulting race discrimination.

As a result of the many barriers to disclosure, staff that have experienced GBV may also be reluctant to make a disclosure to anyone within the College (the "Recipient of the Disclosure").

11.3 Confidentiality

All disclosures of GBV must be treated confidentially, except where there is reasonable reason to believe that there is an emergency situation and/or may be serious risk to the physical or mental wellbeing of the member of staff or others (including children). In those circumstances, the Recipient of the Disclosure must confirm to the member of staff the steps that will be taken and the manner in which the information will be used or further disclosed, as soon as is reasonably practicable.

11.4 Longer-term support

The College recognises that, following a disclosure, there may be the need for a member of staff experiencing GBV to obtain longer-term support from the College (for example, professional development in the wake of a trauma or additional counselling sessions). The College will consider and, as appropriate, implement longer-term support mechanisms where necessary.

12 Role of Line Managers

12.1 Promotion of GBV policy and CLPL to staff

Line managers are encouraged to promote this Policy to staff. This includes creating a workplace culture in which gender equality is promoted and GBV is recognised and addressed, making staff aware of the Policy and related training and encouraging them to read the Policy and attend the training.

12.2 Support for staff

Where a Line Manager is the Recipient of the Disclosure they should ensure that they support the member of staff reporting GBV, as set out in this Policy. Whilst each disclosure will be different, the Line Manager's role will involve the following:

12.3 Understanding Policy and context

- Reading and understanding this Policy and its Appendices. If any support is required to do this, please contact Human Resources in the first instance;
- Being aware of the existence of GBV in society and the possibility that members of staff could be or have been affected by it;
- Attending appropriate GBV CLPL.

12.4 Creating an environment where disclosure is possible

- Making staff aware of the Policy;
- Being available and approachable;
- Listening and reassuring a member of staff reporting GBV.

12.5 Maintaining confidentiality

- Explaining at the outset how confidentiality will be maintained and the exceptions to that rule, relating to emergency situations and/or to risk of serious harm to the member of staff or third parties;
- Maintaining confidentiality in the appropriate way, as set out in this Policy.

13 Monitoring and Review

Staff and student CLPL will be monitored throughout the year with refresher training and networking meetings. These sessions will enable progress and effectiveness of the initiatives to be reviewed and altered accordingly. Disclosure numbers will also be recorded to monitor if the scheme is utilised.

The College also has a Gender Based Violence Action Plan which will support the operationalisation of this policy. It will be reviewed annually and will be monitored by the Equality and Diversity Committee to ensure it is updated when required.

14 Communication of Policy

This policy will be communicated to staff and students across our institutions through our student and staff web portals and webpages.

15 Support Services

Anyone experiencing gender based violence at Fife College is encouraged to report it immediately to someone in the institution that they feel comfortable with who can support them. If the individual does not have a strong relationship with a member of staff or colleague, then they can approach the Wellbeing & Support team. Any disclosures will be treated as confidential unless permission is given by the individual concerned. Exceptions to this would be made only if Guidance staff were aware that the individual was at risk of harm to themselves or others.

Individuals can also contact the Police for assistance should they wish to do so.

Students may use Fife College's formal complaints procedure to raise a complaint regarding GBV which has occurred at the College or by someone who is associated with the College such as another student, a member of staff, contractor or other officer.

Members of staff are encouraged to raise such issues through the Grievance Policy and Procedure where the GBV has occurred at the College by another member of staff, a student, contractor or other officer.

16 Other Policies and Procedures

This Policy and Procedure should be read in conjunction with other relevant policies including:

- Code of Conduct for Staff
- Bullying and Personal Harassment Policy and Procedure
- Health and Safety Risk Assessment Policy and Procedure
- Health and Safety Prevention of Violence and Aggression to Staff Policy and Procedure
- Behaviour & Positive Relationship Policy and Procedure
- Staff Disciplinary Policy.

17 Policy Review

This Policy will be reviewed annually. Any feedback on the Policy content should be directed in the first instance to the OD and HR Department, who will consider this as part of the annual review.

18 Fife College Support Services

Employee Assistance Programme and 24 hour helpline Tel: 0800 731 8632

Website: fifecollege-help.wellbeingzone.co.uk (code: FC01)

For confidential, independent and unbiased information and guidance from a team of trained wellbeing and counselling practitioners.

OD and HR Department

HR can be the main point of contact following an incident and can provide guidance on next steps and supporting your wellbeing.

Guidance Team

Guidance staff are also available on all Fife College campuses and are available to help and support when needed.

External Support Services

Victim Support Scotland

Tel: 0345 603 9213

Website: www.victimsupportsco.org.uk

Victim Support provides victims with free and confidential emotional and practical assistance and information about the criminal justice system. Trained volunteers and staff deliver this assistance throughout Scotland. There is a Victim Support office in every local authority area.

Scottish Women's Aid

Tel: 0800 027 1234

Website: www.scottishwomensaid.org.uk

The Women's Aid network supports women, children and young people, who have experienced domestic abuse across Scotland by promoting women and children's rights, providing services and advice to members and ensuring that services are available to women, children and young people with experience of domestic abuse.

National Stalking Helpline

Tel: 0808 802 0300

Website: www.suzylamplugh.org.uk

This is a national helpline to specialise in providing information and guidance to victims of harassment and stalking as well as their friends and family.

Women's Support Project

Tel: 0141 418 0748

Website: www.womenssupportproject.co.uk

The Project works to raise awareness of the extent, causes and effect of male violence against women, and for improved services for those affected by violence.

Rape Crisis Scotland

Tel: 08088 01 03 02

Website: www.rapecrisisscotland.org.uk

Rape Crisis Scotland provides a national rape crisis helpline and email support for anyone affected by sexual violence.

Scotland's Domestic Abuse and Forced Marriage Helpline Tel: 0800 027 1234

Website: www.sdafmh.org.uk

The Freephone 24 Hour National Domestic Violence Helpline, run in partnership between Women's Aid and Refuge, is a national service for women experiencing domestic violence, their family, friends, colleagues and others calling on their behalf.