

Version Control Statement

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Domestic Abuse Policy for Students

Futureworks is committed to creating an inclusive, positive and safe environment, where everyone is equally valued and respected and feels as though they belong within Futureworks. We will not tolerate any form of abuse and individuals will be supported and taken seriously. We recognise that domestic abuse is a serious problem for society, and that our students will be amongst those affected, for example, as a survivor of domestic abuse, someone who is living with domestic abuse, someone who has been affected by domestic abuse or someone who perpetrates domestic abuse.

Domestic abuse can be experienced by people of all gender identities, ethnicities, sexualities, ages, abilities or disabilities, immigration status, religions or beliefs and socio-economic backgrounds. It can affect women and men involved in heterosexual, same-sex and transgender intimate partner relationships. Certain groups of students can experience higher prevalence rates and additional barriers to reporting and seeking help based on their protected characteristics.

Domestic abuse has a significant and overwhelmingly negative impact on those who experience it. A student may be affected in terms of their mental, emotional and physical wellbeing and their academic studies. A student's wider family and children may also be affected. Wherever we become aware that a child, young person or vulnerable adult is at risk of or experiencing harm, we will respond appropriately in line with the Futureworks Safeguarding Policy.

By developing an effective Domestic Abuse Policy, Futureworks is sending out a strong message that domestic abuse is unacceptable. We are committed to preventing and addressing all forms of domestic abuse, ensuring that all students and staff understand what is expected of them, and that steps are taken to support and safeguard our community, and everyone associated with it.

Any student who is affected by domestic abuse should have the confidence to come forward and share their experience with us, safe in the knowledge that we will listen to them with respect, dignity and compassion. We recognise that for students to share their experience and access support, there must be safety, trust, choice, collaboration and empowerment. All reports will be investigated fairly and effectively to ensure the preservation of a safe environment for everyone.

Scope

This Policy applies to all current and former Futureworks students, including degree apprentices. It will apply wherever the incident occurred, whether on any Futureworks campus or elsewhere including, for example, a workplace or during an off-campus activity.

We acknowledge that our community exists in the digital world as well as the physical world. This Policy will apply to any form of technology-enabled abuse perpetrated via e-mail, phone, social media, websites or online forums. We recognise that this type of abuse is a prevalent characteristic of controlling and stalking behaviours; for example, abusers have been known to gain access to their victims via websites and online forums.

This is one of two Futureworks policies addressing Harassment, Sexual Misconduct and Domestic Abuse, which demonstrate our commitment to tackling these unacceptable interpersonal behaviours which often intersect with one another, for example, domestic abuse may involve stalking and harassment. There are also links and overlap between domestic abuse and the continuum of sexual abuse, which is one of many ways to exert power and control over a partner. These policies are implemented by the Futureworks Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse (the Procedure), which sets out the pathways for students to share and/or report their experience of domestic abuse and the process that will be followed.

Domestic abuse covers a range of unacceptable coercive and controlling behaviours including stalking. It is important that in tackling domestic abuse, everyone has a proper understanding of it and how to support members of our community who are affected. The behaviours described in this Policy are intended to help students to understand what we define as domestic abuse and what would constitute a breach of Futureworks regulations. Students are encouraged to trust themselves and reach out for emotional and practical support if something feels wrong, even if the behaviour doesn't fit with one of the definitions below.

If the person reported to have perpetrated the abuse is a student, this will normally be progressed under the Student Disciplinary Procedure. If the responding person is a member of staff, visitor or contractor, the Student Complaints Process will apply. If the responding person is not associated with Futureworks, we will not be able to invoke these procedures, but can still provide support and facilitate access to relevant external agencies.

Some incidents of domestic abuse may also constitute a criminal offence and may be addressed through criminal proceedings or internal disciplinary proceedings or in some cases both. Any internal disciplinary proceedings would normally be suspended until the criminal proceedings are concluded. An explanation of the distinction between criminal and internal disciplinary proceedings and how this is managed is given in the Procedure.

What is Domestic Abuse?

Definition

Domestic abuse is an incident or pattern of incidents of controlling, coercive, threatening, degrading behaviour, violence or abuse between those aged 16 or over who are, or have been personally connected to one another e.g. as intimate partners or family members, regardless of gender or sexuality.

Behaviour is abusive if it consists of any of the following: physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; psychological, emotional or other abuse.

It does not matter whether the behaviour consists of a single incident or a course of conduct.

Types of Behaviour

Domestic abuse can include, but is not limited to, the following:

- **Physical abuse** is any type of intentional violence by a partner or family member with the intent to assert power and control over someone else, including hitting, kicking, hair-pulling, shaking, burning or strangulation.
- **Sexual abuse** is any unwanted sexual contact obtained by force, threats or where the victim is unable to consent, and is intended to exert power and control over a partner.
- **Sexual coercion** involves manipulating someone into having unwanted sexual activity. It often involves guilt or threats of non-violent behaviour.
- **Coercive control** is an act or a pattern of assault, threats, intimidation, humiliation and isolation which is intended or used to harm, punish or frighten someone.
- **Controlling behaviour** can involve a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.
- **Stalking** is often, but not uniquely, a characteristic of domestic abuse, particularly when a relationship has ended. It is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or alarm or distress. Whilst stalking behaviours may vary, they often share a consistent set of characteristics, using the acronym FOUR: Fixated; Obsessive; Unwanted; Repeated.
- **Technology-enabled abuse** is a prevalent characteristic of stalking behaviours, including monitoring of social media accounts, the use of technology such as phones, spyware and tracking devices, previous knowledge of passwords or the use of fake social media accounts to monitor or intimidate.
- **Financial abuse** includes any behaviour that has a substantial adverse effect on someone's ability to acquire, use or maintain money or other property, or to obtain goods or services.
- **Psychological and/or emotional abuse** includes many non-physical behaviours that are intended to control, isolate and frighten someone. It is often used to break down someone's self-esteem and self-worth to create a psychological dependency.
- **Forced marriage** is where one or both people do not or cannot consent to the marriage and pressure or abuse is used to force them into the marriage. The pressure may be physical, emotional or psychological, such as making someone feel they are bringing shame on the family.
- **Honour-based abuse** is any act committed to protect or defend the 'honour' of a family or community. If someone's family or community think they have been shamed or embarrassed by certain behaviours, they may exact punishment for breaking their 'honour' code.

- **A breach of any precautionary measures** that have been put in place to protect a reporting student, such as an ‘undertaking of good conduct’ or ‘no contact agreement’, may be indicative of stalking or domestic abuse and may be considered as an aggravating factor in any disciplinary case.

Consent

Consent is the clear and unambiguous agreement to participate in a sexual act, where the person has both the freedom and the capacity to make that choice. Consent cannot be assumed based on previous experience and may be withdrawn at any time. It can be considered in two stages:

- a. Where the person has the capacity, specifically, the age and the understanding to choose whether to take part in the activity at the time. An individual is incapacitated when asleep, unconscious, semiconscious or in any other state of unawareness that the sexual act may be occurring, which may be the result of alcohol or drugs. Intoxication does not automatically imply lack of capacity, which is a matter of fact to be proven on the evidence provided in each case.
- b. Where the person has the freedom to engage in a sexual act and was not constrained in any way. Consent cannot be assumed based on a lack of verbal or physical resistance, and is not present where there is coercion, force, threat, intimidation or where there is the exploitation of a power imbalance.

If the person has both the capacity and freedom to consent, the key question is whether they agreed to the activity by choice.

Support

- The Report & Support Online Tool enables current and former students to report domestic abuse, with the choice to access support from a trained Advisor or report anonymously.
- We understand that healing from domestic abuse takes time. We can provide support for students who are currently experiencing domestic abuse, or for those who are free from the abuse and wishing to move on from their experiences.
- We understand that some students may be vulnerable to exploitation and/or abuse and may have been coerced into doing something that may breach Futureworks’ regulations, for example, sharing coursework. It is important that students feel they can come forward knowing we will provide a safe space, guidance and support, whatever the circumstances.
- We will ensure that students who are affected by domestic abuse are not penalised academically. Support will be offered to address any impact on their academic studies, including applying for Mitigating Circumstances.
- We will prioritise student safety by creating safety plans, conducting risk assessments, implementing precautionary measures and outcomes which aim to increase the feelings of safety of the student on campus and online including keeping passwords safe.

- We will facilitate referrals to relevant external specialist support services who can meet the needs of students from a range of diverse backgrounds.

Prevention

- We will provide clear and consistent advice on reporting pathways to empower students to choose whichever options are best for them.
- We will respond to reports about the behaviour of any member of our community, through a process that is transparent and fair to the reporting and responding persons who will both be kept informed of progress in the case.
- We will conduct risk assessments which prioritise the physical, psychological and emotional safety of the reporting student and others involved. We will act fairly in the interests of all parties, taking account of the need to balance support and restriction and to involve all connected agencies. We will identify changes to dynamic risk factors, bearing in mind that risk can escalate rapidly in cases of domestic abuse.
- We will hold to account any individual who is found to have perpetrated domestic abuse and/or to have contravened any precautionary measure put in place following a risk assessment. This may include the application of restorative and punitive sanctions, including exclusion Futureworks in serious cases. We will listen to the voice of the reporting student when considering sanctions.
- We will not use non-disclosure agreements or confidentiality clauses in cases of domestic abuse. It is important that all our students and staff feel safe and supported and we would consider the use of such clauses to be wholly unacceptable.

Related Policies and Procedures

- Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse
- Harassment and Sexual Misconduct Policy
- Regulations for the Conduct of Students