

Chapter 7—Responding to domestic abuse

A resource to support and encourage Church communities to create safe pathways to support services for those affected by domestic abuse.

The Church of Scotland Domestic Abuse Policy Statement

The Church of Scotland recognises that domestic abuse is part of the safeguarding and public protection agendas. It is also a component of the wider societal issue of gender-based violence.

Domestic abuse happens in all parts of society, including in faith communities. Domestic abuse is an issue for the Church of Scotland too.

We aim to:

- Raise awareness in local Congregations, Presbyteries, Councils, Forums of the Church and CrossReach Services about domestic abuse and its impact on individuals, children, the wider family and community
- Encourage Church communities to create safe pathways to support services for those affected by domestic abuse
- Increase awareness of and access to support services for those affected by domestic abuse and, where appropriate, for perpetrators
- Where appropriate, facilitate suitable training from appropriate agencies for key staff and relevant Church leaders and encourage Church members to undertake basic training
- Encourage collaborative working with other denominations and agencies

Introduction to the guidelines

Scope of these guidelines

Throughout these guidelines the use of the term "Church" is an inclusive term for all Church of Scotland congregations, presbyteries, departments, committees and forums, including CrossReach (The Church of Scotland Social Care Council).

This chapter has been specifically developed to include information on how to support survivors that will empower them to seek professional care from the relevant agencies.

We have included useful contacts at the end of this resource, but the list is by no means exhaustive.

Readers assume responsibility for how this information is used on a personal basis and should seek advice from Safeguarding if they are unsure.

Churches have a responsibility and a unique opportunity to contribute to a wider community response in countering domestic abuse.

Christians have been challenged by survivors and activists to be faithful to the life-giving message of equality, liberation, justice, compassion and love which is at the heart of the Gospel.

The wellspring of our faith is the affirmation that each person is created as equal and precious in the image of a loving God. Any violation of body, dignity and autonomy is a denial of that image.

So, we are called to be partners in challenging domestic abuse and supporting gender justice.

The human and material resources of the Church are available in every community and corner of Scotland, no matter how isolated.

Many initiatives and resources have been developed to inform and support appropriate Christian responses to the reality of domestic abuse in our churches, and in wider society, both within the Church and by our ecumenical partners.

Domestic abuse must be a concern for all who believe that each human being is created in the image of a loving God, and who long for wholeness and justice in relationships and communities.

Most Christians abhor and neither condone nor practice domestic abuse. They have a particular calling to challenge any notion that it is acceptable to dominate another person.

Historical patterns that give power to males over females have contributed to gender-based violence.

The Church has been deeply involved in shaping and sustaining the values, attitudes to sex and relationships, and customs of society in this country. The Christian church, present in the midst of every community, has both a responsibility and an opportunity to understand, resist and seek to prevent the harms of domestic abuse and gender-based violence which distort individual and corporate life.

The Church can certainly play a vital part in providing pathways and referrals to specialist services and agencies. It may also have a particularly helpful role in offering friendship, understanding and steady support for the long haul.

Leaving and recovering from domestic abuse is usually a long, slow and complicated process. We cannot compel someone to leave their relationship; statistics suggest that they may leave and return several times before separation becomes permanent.

Non-judgemental companionship on that journey is important.

Long after the immediate crisis is past, Christian survivors may need and want to talk about some very deep questions: Where was God in that situation? Why did we suffer? What can I do with my feelings of anger, betrayal, distress? Does being a Christian mean I have to sacrifice my own hopes and rights for the sake of my partner?

They may be helped by having folk alongside them in the confusion and silence, or sometimes (if they ask for it) to pray with and for them.

Domestic abuse

Domestic abuse is defined by the Scottish Government and the <u>Domestic Abuse (Scotland) Act 2018</u> as controlling, coercive, threatening, abusive, degrading and/or violent behaviour (including sexual violence) perpetrated by a partner or an ex-partner.

This includes spouses, civil partners, couples who live together or any other close intimate relationship such as boyfriend and girlfriend.

Domestic abuse can include but is not limited to:

- Coercive control (a pattern of intimidation, degradation, isolation and control)
- Physical, verbal and/or emotional abuse

- Sexual abuse
- Financial abuse
- Harassment
- Stalking

The <u>Domestic Abuse (Scotland) Act 2018</u> creates a specific offence of domestic abuse that covers not just physical abuse but also other forms of abuse, including psychological abuse and coercive and controlling behaviour.

It redefines domestic abuse as a course of behaviour towards a partner that is intended to cause them harm or which is reckless as to whether it causes harm.

The offence is gender neutral, meaning it can apply to relationships between any two people.

The Act also considers whether a child has been involved in the offence.

According to the <u>National Guidance for Child Protection in Scotland 2021</u>, 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 parent or loved one.

People of any gender can be victims and perpetrators of domestic abuse. No matter their gender, it is important to consider gender-specific situations and power relations between women and men which may impact on those involved.

Gender-based violence

Gender-based violence is a term that is used to describe crimes that are overwhelmingly but not exclusively carried out by men against women. It is a symptom of the historic and current inequalities of power that exist between men and women.

Some examples of gender-based violence include:

- Rape or other sexual crimes
- Domestic violence
- Stalking
- Forced marriage
- 'Honour' crimes
- Sexual harassment

These crimes may happen in public or private life.

The Church of Scotland's Violence Against Women Task Group, <u>Integrity</u>, supports the national Church to tackle violence against women, girls, and children and to develop resources and tools for local churches, congregations, and communities. You can find out more information about their work and sign up to the Violence Against Women Charter by visiting their webpage.

We are committed to making the Church a safe place for everyone and prioritising those within our fellowship who are at risk of harm and abuse.

Domestic abuse not only affects the person who is the subject of the abuse: the ripple effect impacts children and the wider circle of family and friends.

Someone who is being abused in a domestic setting may have experienced this for many years before a disclosure is made and it is very important that we, as a Church, respond appropriately.

The Church must therefore ensure that anyone who discloses this type of abuse is supported sensitively and not further diminished by the organisation responsible for their spiritual growth and pastoral care.

These guidelines have been developed as a resource to support Church of Scotland Congregations, Presbyteries, Forums and CrossReach to address and respond effectively to domestic abuse both within its own community and wider society.

By using pastoral and practical strategies we hope to enable you to create local pathways to professional support services who can assist people who are in an abusive relationship.

Misconceptions about domestic abuse

Most of us have some attitudes, beliefs or ideas about domestic abuse which are incorrect and are based on a misconception about what domestic abuse is and who it affects.

The aim of the list below is to challenge those misconceptions.

It happens to 'a certain type of person'

It can be thought that domestic abuse happens to a certain 'type' of person. This type may be based on a socioeconomic status, a level of inner strength or confidence, religious or cultural background etc.

This is not the case.

Domestic abuse can affect anyone regardless of their race and or ethnicity, colour, religion, socioeconomic status, sex, gender, sexual orientation or level of confidence and inner strength.

It happens because of...

Domestic abuse can sometimes be thought to be caused by many things.

These could include alcohol or drug misuse, unemployment, mental or physical health problems, stress, a lack of submission by a person, or having lived through abuse as a child.

This is incorrect.

Domestic abuse happens because an abusive person chooses to behave in a way that will enable them to have power and control over another person.

All other reasons that are given to cause domestic abuse are excuses and are used to justify abusive behaviour.

The victim can cause their partner to become abusive

Often abusers will tell their partners that they 'made' them do it and many victims have been asked, 'What did you do to let things get this bad?'

An abuse victim is never responsible if their partner chooses to behave in an abusive and controlling way.

Why don't victims 'just leave'?

This is a question asked many times about those in abusive relationships.

If it was that easy, of course a victim would leave.

An abuser will undermine and put their victim down, to ensure their victim thinks they cannot cope alone.

It can appear financially impossible to leave the situation, and alternatives are difficult for the victim and their children.

Why should they be the ones to leave their home, school and all that is familiar?

The victim may be constantly weighing up the challenges, benefits and risks of leaving.

The barriers to leaving can be overwhelming.

It takes a great deal of courage to leave someone who controls and intimidates you.

Often partners leave several times before making the final break. Women's Aid have information on their website about barriers to leaving an abusive relationship.

Statistically, women are at greatest risk of being murdered at the point of separation or after leaving a violent partner. Therefore, leaving without any support can be a very dangerous thing to do.

It is important that women plan their departure safely.

Domestic abuse between parents doesn't impact on children

Children are undoubtedly adversely affected by one parent being abusive to the other.

Children, as much as the adult victims, are experiencing coercive control – being manipulated, confused and harmed by it.

Abusers frequently undermine relationships between the child and the other parent as part of their strategy to gain domination in the household, and children suffer far-reaching negative impacts.

Seeing or hearing a parent being abused is a form of child abuse. See also Domestic Abuse and the Law.

Domestic abuse is about anger

Coercive control is a choice to behave in a controlling way; it is not about being angry.

The abusive tactics employed are used regardless of whether the perpetrator feels anger or not.

Careful targeting, forethought and intent often lie behind the ongoing course of conduct.

While coercive control involves forethought, interpersonal couple violence can be more spontaneous.

If someone discloses abuse, they are probably being 'overly dramatic'

Most people living in threatening and controlling situations are reluctant to admit what is happening to them for many reasons. These include the shame of being abused; the fear of what their abusive partner will do if they tell anyone; and the fact that their partner will have minimised and justified their abusive behaviour, which will often cause the victim to believe it wasn't 'that' bad.

Those experiencing domestic abuse may worry, with good reason, that people won't believe them – especially if their partner is seen as 'a charming person' or 'a pillar of the community'.

Domestic abuse and the law

Domestic Abuse (Scotland) Act 2018

The <u>Domestic Abuse (Scotland) Act 2018</u> came into force on 1 April 2019.

Abuse now includes violent, physical, sexual, psychological and financial abuse. The offence can carry maximum of 14 years in prison.

Domestic abuse can include:

- Being threatened
- Name calling
- Controlling what you do, where you go and who you speak to
- Threatening your children
- Not being allowed see your friends and family
- Accusing you of cheating
- Threatening to out your sexual orientation
- Sharing or threatening to share intimate images of you with family, friends or work colleagues
- Being hit, kicked, punched, or have objects thrown at you
- Rape, being forced into sexual acts

Disclosure Scheme for Domestic Abuse ('Clare's Law)

The <u>Disclosure Scheme for Domestic Abuse</u>, also known as 'Clare's Law' was first launched on 25 November 2014 in Ayrshire and Aberdeen, but has now been rolled out across the whole of Scotland.

This scheme allows people to seek information as to whether their partner has a history of offending relating to domestic abuse, with the police deciding on whether to disclose information made on a case-by-case basis.

The Forensic Medical Services (FMS) Act

The <u>Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021</u> ('FMS Act') came into force on 1 April 2022.

It places a statutory duty on health boards to provide forensic medical services for victims of sexual offences.

The Act also establishes a legal framework for consistent access to 'self-referral', where a victim can access healthcare and request a Forensic Medical Examination (FME) without first having to make a report to the police.

As part of a person-centred approach, individuals will be able to request the sex of their examiner involved in their care.

Self-referral

Self-referral means that people don't need to be referred by a GP or other healthcare professional to access a <u>Sexual Assault Response Co-ordination Service (SARCS)</u>.

A SARCS will be available in each health board to address people's immediate healthcare needs and, if appropriate, to access a forensic medical examination to gather forensic evidence which could help the police to confirm the identity of the person who carried out the assault.

The SARCS will keep this evidence for a period of 26 months in case people want to tell the police at a later date.

NHS Inform will provide information on how to access self-referral services through a new national 24/7/365 telephone service hosted by NHS 24. Information on the service can be found at www.nhsinform.scot/sarcs

This is relevant for the Church as we may be approached by people who wish to know how to access these services.

<u>Rape Crisis Scotland (RCS)</u> has also updated its <u>Information after Rape and Sexual Assault</u> booklet, providing advice to someone following a rape or sexual assault. They have many other information leaflets available from the resources section of their website.

Further legislation around domestic abuse provides the opportunity for a court or an individual to apply to court, to obtain an Interdict with a power of arrest for domestic abuse or for a course of conduct which a court recognises as being domestic abuse. <u>Scottish Women's Aid</u> has information about your rights, including information about how to obtain an interdict and other legal routes to keeping you safe.

Domestic abuse and public protection

Domestic abuse is an issue for the Church and not just for the Safeguarding Service.

It is all about protecting people and ensuring a safe Church for all.

Domestic abuse, child protection and adult protection are related issues best understood in the context of a **human rights framework** where abuse is a violation of a person's human rights and dignity.

Our work needs to be about prevention and making an appropriate response when domestic abuse is disclosed to ensure rights and protection.

Domestic abuse should be looked at in conjunction with guidance regarding child and adult protection in this handbook.

The Church's response

Congregations are made up of people from across the social spectrum. Research shows that there is no social profile for either victims or perpetrators of domestic abuse. It is therefore statistically probable that domestic abuse is happening or has happened in every congregation, parish and community in Scotland.

Recognising the signs of domestic abuse is therefore crucial if churches wish to provide appropriate support.

Responding appropriately

This involves providing resources for individuals and Church communities so that they can respond appropriately and helpfully to allegations of domestic abuse, recognising that abused women and men find it difficult to tell their story and may approach a friend in the congregation, a minister or pastoral worker.

Research tells us that victims of abuse may approach a number of individuals before finding belief, affirmation and reassurance. It is likely that a victim will sound out a friend or relative before approaching anyone in authority.

Professional expertise is required for more specialist work, but it is essential that tackling domestic abuse is not side-lined.

It is the responsibility of the whole church community to take this seriously.

Training in how to respond is also essential – if someone is not believed, or is not listened to appropriately, or if good information and support is not given, their progress can be put back for years and they may never disclose again.

The role of the Church

In these circumstances, the role of churches is to walk alongside the victim/survivor on the journey.

This should always be done in partnership with specialist help from other agencies.

Churches can offer real friendship and solidarity at times of isolation and low self-esteem, offering encouragement and hope so that the individual can start to feel safe.

The culture of the local Church is important.

Church life has an openness, where processes are transparent and people feel they can be honest with each other, and where confidentiality is respected.

This will help enable an abused person or an abuser to talk about what is happening.

Safety first

This is where the basic principles for pastoral workers and listeners are helpful:

Listening to the person without judging what is being said must be the starting point when someone makes a disclosure of domestic abuse, as with child abuse.

What kind of support is the person looking for or needing? This will depend on many factors, not least the emotional state of the victim and the nearness of the perpetrator.

Trust and confidentiality are vital for the safety and well-being of the victim and those who are supporting them.

Once a support relationship has been established between victim and listener, other agencies can be contacted for more specific advice and help.

It is important to realise that from the moment of disclosure the victim can usually only cope with taking one step at a time.

Confidentiality

Confidentiality needs to be emphasised.

It is vital that those offering support keep confidences over addresses, information about children and schools etc., and about where and when it is safe to contact the person who is being abused.

However, there are limits to confidentiality and child and adult protection concerns are the paramount consideration when deciding whether the adult's right to confidentiality should is overridden.

If in doubt, please contact the Safeguarding Service for advice.

Pastoral support

One church or one pastoral carer should not try to support both partners. Separate support for each would be best

Trying to support both partners makes the church unsafe for the victim and may be seen to condone the behaviour of the abuser.

It should never be the victim who has to leave the Church unless this is the only safe option.

Referring to and/or working with other agencies

It is essential that the Church members, ministers or pastoral workers do not take on a role outside their competence

In the case of allegations against ministers or staff members, an initial referral to the Safeguarding Service is an appropriate course of action as there may be child protection implications as well.

The Safeguarding Service will advise on whether the Church's complaints procedure is an appropriate course of action.

Domestic abuse is first and foremost a safeguarding matter and should be responded to as such.

Children and adults at risk

Children are also at risk in situations of abuse. They know much more than parents suspect.

Children who see a parent being abused may be physically injured trying to intervene, and in any event are experiencing emotional and psychological harm.

As discussed above, there is also increasing evidence of crossover between domestic abuse and other forms of direct child abuse (see our section on domestic abuse and the law).

Similarly, adults at risk of harm can be victims of domestic abuse.

It is necessary to be aware of safeguarding policy, and of always knowing and respecting the limits on confidentiality when a child or adult at risk of harm is in danger.

For more information, see our chapter on protecting children and adults at risk.

Offering support and referring on

It may be appropriate to refer to another agency for support.

Permission from the person must be sought before doing this unless there are child or adult protection issues.

Ask if the person would like another opportunity to talk with you or clarify what is hoped for from the church and what it is realistic to offer.

If the person does not wish you to refer to another agency, you should provide key contact details so that they can make contact in their own time if they so wish.

If there are any child or adult protection issues, you should follow the Church's Safeguarding procedures for responding to child and adult protection concerns.

Risks

Leaders and workers must be aware that the greatest risk for the victims of domestic abuse is at separation or immediately after separation.

They should also be aware of the risk to themselves and other pastoral care providers.

NOTE: it is **not** the role of the Church - and may cause further risk or harm for its minister or members - to intervene, mediate or offer counselling to partners where there is abuse.

Domestic abuse: A charter for the Church

This Church:

- Holds that domestic abuse in all its forms is unacceptable and irreconcilable with the Christian faith and a Christian way of living
- Accepts that domestic abuse is a serious problem which occurs in church families and intimate relationships as well as in wider society
- Undertakes to listen to, support and care for those affected by domestic abuse
- Will always place the safety of those affected by domestic abuse as the highest priority
- Recognises the importance of naming and resisting domestic abuse, and supports the right of survivors to find language, worship and action which affirms their equality, wellbeing and struggle for justice
- Will work with domestic abuse support agencies, will learn from them and support them in appropriate ways, and will publicise their work
- Believes in a God of love, justice, mercy and forgiveness
- Will play its part in teaching that domestic abuse is a sin and will seek to model God's true community of women, men and children in church and society, in its life, worship and leadership
- Will seek to appoint advisors to encourage the use of good practice guidelines and to keep the Church informed about the implementation and development of these guidelines.

Do's and don'ts for churches and those with pastoral responsibility

Do's for churches

- Display posters, leaflets and information about services such as Women's Aid, Rape Crisis and independent domestic violence advocates (IDVA) in church premises, and invite speakers from local groups to raise awareness or suggest practical action
- Acknowledge domestic abuse and other forms of gender-based violence in the context of regular worship in prayers of confession and intercession, in preaching, in the use of new hymns or liturgies, in symbol and action for healing and justice
- Be sensitive and careful in use of language and image in worship. Consider the impact or effect (both helpful and hurtful) many religious words, hymns or symbols might have on those affected by abuse.
- Display the Church of Scotland Domestic Abuse Policy and charter, outlining the Church's position on domestic and sexual abuse, and how it will work towards protection, provision and prevention in the local community. Use this as an awareness-raising exercise, perhaps to be shared with ecumenical partners.

Do's for those with pastoral or leadership responsibility

Those experiencing abuse may appreciate being invited to disclose if it feels safe and the listener is non-judgemental. They may turn to someone they trust, whether or not that person has an official role.

- DO try to find a quiet and private space to talk
- DO take time to listen and accept don't push or force disclosure, acknowledge the strength and courage they have shown
- DO make it clear that their safety is the first priority. Specialist services, including those detailed in the Directory of Help below, will give guidance and information to help clarify options.
- DO ask how they think you or the Church could help. Be clear if you can deliver this.
- DO ask about children, if there are any, and do everything possible to ensure that children are kept informed and involved, where appropriate
- DO take a note of what you are told, the date, the context, and other factual information such as injuries or signs of distress as a record and report to your Safeguarding Coordinator and Safeguarding Service where appropriate

Don'ts for those with pastoral or leadership responsibility

- DON'T judge or dismiss what you are told
- DON'T make decisions or assumptions on their behalf
- DON'T ever tell a victim that they just need to pray harder, or forgive, or reconcile
- DON'T offer to mediate or to confront the abusing partner, or put the victim, children or yourself in danger

Domestic abuse procedure

What volunteers, paid staff, ministers, elders, pastoral care visitors, office holders and CrossReach workers need to know and do when a survivor discloses domestic abuse.

When domestic abuse is first disclosed to you

- Step 1: Person discloses domestic abuse
- Step 2: Respect, listen, inform and empower
 - Acknowledge the person's account
 - Listen attentively and give gentle encouragement to speak
 - Assure the person that it is not their fault
 - Reassure the person that confidentiality will be kept, but explain there is a limit to confidentiality.
 These are the circumstances in which information may be shared with the police with the person's knowledge but not necessarily their consent.
 - If serious abuse or a crime has happened and/or the person feels or is in immediate danger, advise them that for their own safety you must contact the police for advice. Once you have informed them of this, immediately contact Police Scotland, social work or the ambulance service.
 - Assure the person of your concern and interest

- Be honest and upfront about your ability to help
- If there are children involved the situation becomes a child protection concern
- Be guided by what the person wants and not what you think they need
- Let them know that the Church of Scotland has domestic abuse guidance that you need to follow
- Sharing information with the Safeguarding Coordinator, and then the Safeguarding Service, is about
 equipping the person with support and information so that they are in control and can make their
 own decisions

Reporting and referral

Immediately tell your Safeguarding Coordinator or line manager, who will contact the Church of Scotland Safeguarding Service for verbal and written advice.

This advice includes local help and whether a referral should be made to the police or social work department, or a child wellbeing concern should be made to the Named Person, etc.

Recording

Note what has happened, when (time and date), where, and who else was involved. Accurately record the person's or witnesses' own words. Keep the information secure.

Training and awareness raising

Training and awareness raising will need to include those preparing for ministry, and awareness raising through existing training courses in local congregations. Basic awareness of the extent and effects of domestic abuse on individuals, families and society should be an essential part of core training for all levels of ministry.

Congregational safeguarding training, as detailed in chapter 4, will aim to signpost individuals to this handbook in order to reflect on domestic abuse and how best they might support someone within their church community.

This chapter also aims to emphasise the importance of collaborative working with other agencies. This can include both the sharing of good practice from other denominations and benefitting from specialist expertise.

Agencies such as Scottish Women's Aid or local Women's Aid groups may offer training modules at different levels and are usually very willing to work with churches to provide training or information.

Collaborative working has a strategic place in enabling the church to play a positive role as part of coordinated community responses to domestic abuse.

Directory of help—organisations for domestic abuse

This is a brief guide for survivors and those supporting them to some of the key organisations that provide support.

This directory is not a complete listing of all help available – a web search will identify more local organisations and other national and international organisations in the UK and abroad.

Police Scotland has guidance on domestic abuse which includes how to make a police report, the Disclosure Scheme, partners and other organisations that can help you. Police Scotland can also be contacted by phone on 101.

Abused Men In Scotland: 03300 949 395 (9am-4pm Mon-Fri)

<u>Fearless Scotland</u>: 0131 624 7266 – works with survivors of domestic abuse over 16 years old of all races, religions, beliefs, abilities, gender identities, sexes or sexual orientations.

<u>Galop</u> helpline: 0800 999 5428 (Monday to Friday 10am – 5pm, Wednesday and Thursday 10am – 8pm) for LGBT+ people who have or are experiencing domestic abuse; and for people supporting a survivor of domestic abuse; friends, families and those working with a survivor. A webchat function is also available Wednesday and Thursday 5pm – 8pm.

The <u>LGBT Domestic Abuse project</u> works across Scotland to raise awareness of LGBT people's experiences of domestic abuse and improve service responses to LGBT people who experience domestic abuse and other forms of gender-based violence.

Men's Advice Line: 0808 801 0327 (10am-1pm and 2-5pm Monday to Friday) – confidential helpline for men experiencing domestic abuse.

The NHS has advice on their pages about <u>Domestic Violence</u> and about <u>Rape & Sexual Assault</u>, including many links to other sites.

<u>The NSPCC</u> (National Society for the Prevention of Cruelty to Children) offer advice and support on all aspect of child abuse. They are responsible for operating <u>ChildLine</u> and also offer a <u>dedicated telephone contact</u> for adults with concerns. This particular link focuses on domestic abuse with a link to child's story, early warning signs to look out for, keeping children safe for Domestic Abuse and research on the harm such abuse can cause to children.

Rape Crisis Scotland Helpline: 08088 01 03 02 (6pm – 12 midnight, daily) – provides crisis support for anyone in Scotland affected by sexual violence at any time in their lives.

<u>Scottish Domestic Abuse and Forced Marriage Helpline</u>: 0800 027 1234 (24 hours)—run by <u>Safer Scotland</u> <u>Scottish Women's Aid</u>

White Ribbon <u>Campaign UK</u> is part of a global movement to put a stop to male violence against women and girls. It aims to educate and raise awareness of violence against women, and to engage men in these issues.