



Response to

Safe Leave Bill

Committee for the Economy

7th January 2022

I. About us

I.1 Victim Support NI is the lead agency providing practical and emotional support to persons affected by crime across Northern Ireland.

I.2 Victim Support NI's work is delivered through three key services:

(i) **The Community Service** provides emotional and practical support to those who have been victims of crime. Clients are assessed using the World Health Organisations Psychological First Aid model, with additional use of the Communities Resilience Model to give further support to victims who have experienced high levels of trauma. Following the Public Health Authority Model those with greater needs are signposted to relevant organisations. With the establishment of the Victim Charter the PSNI are required to refer all victims of crime to the community service as the initial point of contact within the organisation.

(ii) **The Witness Service** provides support to adult prosecution witnesses in court, some of whom are also victims. The Witness Service has waiting rooms in all criminal courts across NI and works with partners to enable witnesses to understand and engage with the criminal justice system and play their part in delivering justice.

(iii) **The Criminal Injuries Compensation Service** provides free, expert advice to those who wish to claim compensation.

I.3 In addition to our core services, Victim Support NI operates the following specialist services:

(i) The Hate Crime Advocacy Scheme supports victims of hate crime in partnership with our external advocacy partners: Migrant Centre NI; The Rainbow Project NI; Leonard Cheshire Disability NI. This scheme aims to improve support to victims of hate crime, encourage reporting and increase confidence in, and improve access to, the criminal justice system.

(ii) Phoenix Youth, formerly the Aggression Related Trauma Project, is a therapeutic support programme for young people who have experienced physical, emotional or sexual abuse and trauma. Funded by the National Lottery Community Fund, the project offers one to one creative arts and talking therapy to children and young people aged between eight and twenty years in the Northern Health and Social Care Trust area.

(iii) Child Independent Sexual Violence Advocates (ChISVAs): Funded by Children in Need, the ChISVA service provides advocacy support for under 18 year's olds who have been victims of sexual violence and are progressing through the criminal justice process

- (iv) The Young Victims Service supports young people in Northern Ireland aged 5-17 who have been affected by crime.
- (v) Sexual Offences Legal Advisers – The Department of Justice currently funds Victim Support NI in a pilot project which provides qualified lawyers who can offer legal advice and support to victim of a serious sexual offence.

The Impact of our work - 2020/21

How much we did	How well we did it
<ul style="list-style-type: none"> • 45,402 victims referred to Victim Support NI community service • 1,087 victims assisted to apply for criminal injuries compensation. • 1,721 people were given Covid-safe Pre-Trial Court familiarisation via actual court visits, virtual tours, and/or printed materials • 7,522 hours of service delivered by volunteers and staff 	<ul style="list-style-type: none"> • 51% of victims in community offered support by telephone within 2 working days • 99% of eligible referrals offered support within 5 working days • 100% of witnesses referred to us before their trial were supported • 54% of the total amount of people applying for criminal injuries compensation were supported by Victim Support NI with no cost to the victim • 92% of people who engaged with our community service believed they had been treated with respect
Is anyone better off?	
<p style="text-align: center;">54% of community service clients and</p> <p style="text-align: center;">79% of witness service clients reported reduced anxiety as a result of our support</p> <p style="text-align: center;">78% of victims felt more informed about support services available to them</p> <p style="text-align: center;">62% of victims and witnesses felt better able to give evidence due to the support they received</p> <p style="text-align: center;">78% of victims and witnesses felt safe in the court environment</p> <p style="text-align: center;">68% of people supported by Victim Support NI would be more likely to report a crime in the future because of the support they received</p> <p style="text-align: center;">£2,064,498 secured for victims supported to apply for criminal injury compensation</p>	
In the words of our clients	
<p style="text-align: center;"><i>“I want to thank you and your team for your support during an anxious time for me... I'm not sure if you have recognition awards but [my support worker] deserves one. She encouraged me to persist my injustice.”</i></p> <p style="text-align: center;"><i>“We are so grateful for your help. We felt so supported and you went above and beyond.”</i></p>	

“Thank you for all of your support, care and compassion and willingness to be such a fantastic support to me. I wouldn’t have the strength to have gone through all this alone. You are very good at what you do it’s invaluable. Thank you from the bottom of my heart for believing in me and being there for me from the beginning of this journey to now.”

“You were very patient, kind and understanding during your calls and really put me at ease. I’ve not found that level of understanding and support from any other male and it has meant a lot to me.”

“You helped make a very traumatic time far easier to get through... the professionalism and warmth extended to me was incredible and I couldn’t have got through the case without it.”

2. Survey Questions & Additional Comments

Should victims/survivors of domestic abuse be entitled to safe leave?

Yes No

Should there be a legal entitlement to employee safe leave and pay (if eligible) in NI?

Yes No

Do you think safe leave would enable victims/survivors to seek appropriate help and support?

Yes No

What impact do you think introducing safe leave would have on the amount of sick days/periods taken by an employee?

More Sick Leave taken The same amount of sick leave taken Less sick leave taken

Comments:

At present and in the absence of dedicated safe leave, domestic abuse victims may utilise sick leave as a consequence of domestic abuse, whether that is because of injury, hospitalisation, being detained in the home by their abuser, or another related reason. The introduction of safe leave would result in lower reliance on sick leave for these reasons. It is possible that there may be an increase in overall leave taken if there is increased uptake in safe leave, but this isn't a certainty and may be difficult to quantify. Due to the stigma of abuse it is likely that some employees may have proffered other excuses for absence in order to conceal the abuse they are suffering, so a direct statistical comparison may not be possible. Inevitably however, the impact on employers of absence taken would be balanced out by a.) reduced staff turnover if victims are granted short periods of leave to deal with domestic abuse-related issues, and b.) a more present, productive staff member if they are getting support to recover from abuse.

What impact do you think introducing safe leave would have on the costs of domestic abuse for employers?

More costs for employers Same costs for employers Less costs for employers

Comments:

This is difficult to quantify accurately, as we lack Northern Ireland-specific data on the financial impact of domestic abuse to employers. Northern Ireland's Stopping Domestic & Sexual Violence and Abuse Strategy estimates that *"the economic costs of domestic violence (including children) in Northern Ireland for 2011/12 was approximately £674m, with the majority of the costs falling on victims and their families."* The strategy does not include analysis on costs to employers or the economy more generally. More instructive on the issue of employer costs is the extensive research and modelling by Sylvia Walby on the costs of domestic abuse in England & Wales. Walby's research estimates that lost economic output due to domestic abuse accounts for around £2.7 billion a year in England & Wales. This is the cost of time off work due to injuries. It is estimated that around half of the costs of such sickness absences is borne by the employer and half by the individual in lost wages¹.

On the basis of Walby's modelling, and on our own professional understanding of the merits and positive impacts of providing the right support to domestic abuse victims at a time, place and pace that they need it, Victim Support NI is inclined to conclude that any initial cost impact for employers would be neutralised or even reversed in the long run. As Walby's research indicates, there is likely to already be a financial impact of domestic abuse on employers due to sick days taken, staff turnover and recruitment costs as a consequence of domestic abuse, and the financial impact of staff members who are unable to be fully productive due to the abuse they are suffering. Introducing Safe Leave may give victims the time and space to make themselves safe, and will help reduce the stigma around domestic abuse. This will be beneficial to victims in the immediate term, and also as an early intervention measure to facilitate victims taking time to deal with the abuse they are suffering and disrupt the escalation of abuse at an earlier stage. Ultimately employers will see the benefits of a safe, happy employee, who knows that the workplace is a safe and supportive space.

The leave entitlement is for a period of 10 days. Do you think this is the correct amount?

Yes No

Comments:

This is a reasonable statutory minimum and is in line with the practice established in New Zealand and adopted by South Ayrshire Council in Scotland. In our view it strikes an appropriate balance between victim need and employer capacity. Any employer would have the discretion as per their own policies to offer more leave, and it is correct that this entitlement cannot be accrued or carried over as it is an emergency leave specific to circumstance.

¹ https://paladinservice.co.uk/wp-content/uploads/2013/07/cost_of_dv_research_summary-Walby-2004.pdf

The bill will allow the 10 days to be taken anytime during the leave year. What is your view?

Yes No

Comments:

Domestic abuse can happen at any time, therefore flexibility is essential to maximise the utility of Safe Leave. The New Zealand and South Ayrshire Council models have adopted the same flexibility for this very reason. In our view, this flexibility is essential to the value of Safe Leave, and will maximise its benefit to victims of domestic abuse by allowing them to take it when they actually need it.

Should there be a limit on the numbers of times a victim/survivor can take safe leave throughout their employment?

Yes No

Comments:

As noted above, domestic abuse can happen at any time, therefore flexibility is essential to maximise the utility of Safe Leave. This is why flexibility in allowing up to 10 days of Safe Leave to be taken as and when needed will be of maximum benefit to victims of domestic abuse.

Should a minimum period of employment be applied before safe leave becomes available to an employee?

Yes No

Comments:

A person suffering domestic abuse often has no control over when they will be attacked, falsely imprisoned, injured, or unable to go to work for another reason connected with abuse. The lack of control they have over the situation is a defining component of abuse. Often these are emergency situations which cannot be scheduled or predicted. In emergency situations, employees will be unable to come into the workplace anyway. Having a 6 month or other minimum employment period before becoming eligible for Safe Leave will just mean that those employees have to lie about why they are unable to come to work and will feel that they aren't able to safely disclose what is happening to them to employers. For all the above reasons, it is our view that Safe Leave should be a day one right for employees. This is the stance taken by other places that have implemented Safe Leave, such as New Zealand and South Ayrshire Council.

Should the victim/survivor have to supply evidence to their employer before safe leave can be taken?

Yes No

Comments:

Domestic abuse is a hugely under-reported crime for myriad reasons. Not all victims will have police evidence of abuse suffered or will even have reported to police. Furthermore, given that the coercive control law is not yet operational, many components and forms of abuse would not yet constitute crimes, and convictions for domestic abuse remain hard to prove and extremely low. For these reasons, there would be difficulties in obtaining proof or evidence in order to be eligible for leave.

Further difficulties arise if employees are questioned by their employer in a bid to ascertain evidence about abuse. Forcing an employee to disclose details of abuse to someone without expertise in supporting victims, or without understanding of the nuances of what abuse might look like, could result in retraumatisation and revictimization. Further damage and loss of trust could be inflicted if an unsympathetic employer chooses not to believe a victim or decides the abuse isn't serious enough to warrant time off. Finally, the requirement to provide evidence could prevent victims from using the Safe Leave when needed, particularly if they think they might have to be interrogated about the details of their abuse. This would be counter-intuitive to the spirit and intention of Safe Leave.

There is no time limited threshold in the bill as to when the domestic abuse occurred for when safe leave can be taken. Do you agree?

Yes No

Comments:

Domestic abuse and its impacts can last for many years. As experts in the field often point out, leaving abuse is a process, not an event. Even after someone leaves an abusive relationship the ramifications can continue for many years, particularly if the couple were married and/or had children together. It has been documented by victims and domestic abuse support organisations across the UK that abusers often use court processes to further abuse victims by dragging out family court processes or making vexatious complaints. For these reasons, and particularly until the delay issue in our courts has been resolved, it would be unfair to place a limit threshold for safe leave.

We would stress that a Safe Leave system is unlikely to be abused, as there remains significant stigma around domestic abuse in Northern Ireland, and it is not something that a person would be likely to falsely claim they are experiencing. Furthermore, an application for Safe Leave would no doubt trigger an employer's Domestic Abuse Policy, and possibly

include other measures to ensure a victim's safety. Again, it is unlikely that someone would activate this process under false pretences.

What level of remuneration should be offered to the employee taking safe leave?

Full Statutory Min wage Other

Comments:

It is well known that financial abuse is a form of domestic abuse, and that leaving an abusive relationship can mean a step into poverty. Whilst the breakup of any family unit can have financial ramifications, these impacts are magnified where domestic abuse is a factor. Some victims flee abusive homes with nothing more than the clothes they are wearing, and must stay in refuges and shelters for their safety. Many victims have no access to bank accounts or their own money, or have been placed in debt by their abuser. Therefore, anything less than full wage would most likely prevent the uptake of this lifeline for many victims, and perhaps prevent someone leaving an abusive relationship.

This new Safe Leave is not only a lifeline to victims, it is an early intervention opportunity. By offering full remuneration, it is more likely to be used, and the early intervention and prevention aspects of the law are therefore more likely to be realised, in line with the Government's own aspirations under the Stopping Domestic and Sexual Violence & Abuse Strategy.

At the same time, we recognise that the financial impact on small employers may be significant. We would therefore suggest that it may be worth considering adding a statutory payment entitlement for employers within the bill, similar to that of sick leave or maternity leave, which would allow for a reclamation of monies by employers.

What notice should be required for a survivor/victim to undertake safe leave?

None 1 day 1 week Other

If other, please specify

In our view, the length of notice would depend on the reason for leave being needed. In an emergency situation it is not possible to give notice so there should be no requirement for notice to be given. In a non-emergency situation or case where someone is taking leave due to a support appointment or a court hearing, it would be reasonable for an employer to ask for notice. We are not sure if notice requirement would be appropriate to be added into legislation as this might be overly restrictive, rather it would be more appropriate to be part of guidance.

Any additional comments?

This is an opportunity to introduce a life-saving and life-enhancing measure to Northern Irish workplaces. The model has been shown to work well elsewhere so we strongly recommend that these successes should be learned from and emulated here.

We welcome that this Bill is gender neutral and therefore is applicable to any victim of domestic abuse.

Introducing Safe Leave will ultimately allow a section of the population who experience abuse to live their lives to the fullest and better contribute to society, including contributing their skills and expertise to our economy. This is in keeping with multiple draft Programme for Government outcomes, including people reaching their potential, having a competitive economy, citizens leading long and healthy lives, everyone feeling safe, having a caring society that supports people through their lives, and having an equal and inclusive society.

For avoidance of doubt, Victim Support NI is of the view that the Bill should also be applicable to 16-18 year olds in employment who need to take Safe Leave. Safe Leave should also be able to be taken to provide care for a child has been affected by abuse.

Contact details:

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