

Model Employment Policy

Domestic Abuse

The Council acknowledges that domestic abuse is a significant issue. In the year ending March 2019, an estimated 1.6 million women and 786,000 men aged 16 to 74 years experienced domestic abuse in the last year (Office for National Statistics).

The Council therefore recognises that its employees will be amongst those impacted by domestic abuse, either as a victim or a perpetrator, and that a clear workplace policy and guidelines are required.

The principles and standards described in the policy apply to all employees of the council.

Defining domestic abuse

The Council adopts the definition of domestic abuse outlined by the Home Office which makes it clear that domestic abuse relates to any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

This can encompass but is not limited to the following types of abuse:

- physical
- emotional
- psychological
- sexual
- financial

This definition includes honour-based abuse, female genital mutilation and forced marriage, and is clear that victims are not confined to one gender, religion or ethnic group.

What constitutes domestic abuse is commonly misunderstood, and it is important to remember that no single act defines it; there are a wide range of activities and behaviours that amount to domestic abuse which are often dangerous and can be life-threatening

Key Principles

- The Council wants to ensure that any employee who experiences domestic abuse can raise the issue at work, without fear of stigma or victimisation, and will receive appropriate support and assistance.
- The Council is committed to promoting zero tolerance of domestic abuse. It is essential that the working environment promotes the view that domestic abuse is unacceptable and that such abuse will not be condoned and that all employees

- should play a part in supporting this approach.
- The Council recognises that employees experiencing domestic abuse normally have the right to complete confidentiality. However, in some extreme circumstances this confidence may need to be broken, for example, in order to protect children or vulnerable adults.
 - The Council is committed to taking all reasonable steps to minimise the risks to the safety of its employees while at work if they are known to have experienced domestic abuse.
 - If approached by an employee experiencing domestic abuse, managers will listen and be sensitive and non-judgemental in order that the most appropriate help can be offered. The Council will ensure that managers have access to appropriate information and feel able to encourage employees to seek advice and support.
 - Where possible, a perpetrator who is an employee will be supported to seek help to change their behaviour. However, depending on circumstances, the perpetrator may be subject to the Council's disciplinary procedures if their behaviour endangers other Council employees or is under investigation as a criminal offence or their activities outside of work have an impact on their ability to perform their role or are likely to bring the Council into disrepute.

Policy Statement

Introduction

Domestic abuse occurs across society, regardless of age, gender, race, religious belief, sexuality, disability, wealth and geography. It has extreme consequences for victims across a whole range of outcomes, including physical and mental health, alcohol abuse, homelessness and in extreme cases, murder.

Domestic abuse is likely to impact on the workplace. It can affect the morale, health, wellbeing and self-confidence of an employee, which in turn can impact on their performance at work.

The Council recognises the devastating effect domestic abuse has on those experiencing it, their families and the wider community. This policy demonstrates the commitment of the Council to support employees in making positive changes and to provide a safe and positive working environment.

The Council is committed to ensuring that any employee who experiences domestic abuse can raise the issue at work, without fear of stigma or victimisation, and will receive appropriate support and assistance.

Definition

The Government definition of domestic abuse was agreed in 2004 and is “any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality”.

Research shows that in most cases it is women who experience domestic abuse perpetrated by men, for example male partners or ex-partners, brothers, fathers or sons. However, the Council's policy applies equally to domestic abuse in gay or lesbian relationships or in heterosexual relationships where the man is the victim. It also applies where domestic abuse occurs between generations in a family.

Domestic abuse can take many forms such as physical assault, bullying, sexual abuse, rape and threats. In addition, it may include destructive criticism, pressure tactics, disrespect, breaking trust, isolation and harassment.

Policy Aims

- To ensure that all employees, not just those employees experiencing domestic abuse, are aware of the Council's policy and its implications, including its implications for employees who are perpetrating domestic abuse.
- Ensure that all employees who ask for help in addressing domestic abuse issues can access appropriate advice and support
- To provide guidance to managers on how to recognise potential victims, how to support and assist employees asking for help in addressing domestic issues, and how to deal with employees who are perpetrators of domestic abuse.
- To ensure that all employees experiencing domestic abuse and seeking assistance are confident that their situation will be handled sympathetically and confidentially.
- Ensure that all managers can access guidance on how to support and assist employees asking for help in relation to domestic abuse and are aware of how to support and advise employees who may be perpetrators of domestic abuse.
- Reduce absence from work resulting from domestic abuse and have a positive impact on employees' mental and physical health and wellbeing. This includes staff who are supporting family members with domestic abuse.
- To set out a framework for responding to an employee who is identified as being a perpetrator of domestic abuse.

Zero Tolerance

The Council is committed to promoting zero tolerance of domestic abuse in line with our role in promoting community safety.

As an employer, this policy demonstrates that domestic abuse is unacceptable and that it will not condone behaviour resulting in domestic abuse.

Confidentiality and Security

The Council recognises that employees experiencing domestic abuse normally have the right to complete confidentiality. However, in some extreme circumstances this confidence may need to be broken for example to protect children or vulnerable adults.

The Council has a duty of care to its employees. It is committed to taking all reasonable steps to minimise the risks to safety of its employees while at work, if they are known to have experienced domestic abuse.

Guidance for Managers and Employees

Introduction

An individual who is experiencing domestic abuse may choose to seek advice or support from several sources, including their immediate manager or another member of direct line management or a trade union representative. If approached, managers need to be prepared to listen, to be sensitive and non-judgemental in order that the most appropriate help can be offered.

Identification

People experiencing domestic abuse may feel stigmatised and disempowered. They often do not want to admit or share their experience because they may feel some responsibility for the situation, or they may feel shame, or that they should be able to deal with the situation on their own. There can also be fears that they will not be believed, their experiences will be trivialised, they will cause trouble for the perpetrator, or that there might be a negative outcome for their children.

Identifying that an employee is experiencing difficulties at an early stage can help ensure that appropriate support is provided and help the employee to deal with their situation more effectively. This can reduce repeated work absences and can ultimately reduce the extent of the domestic abuse experienced.

Domestic abuse may be identified through monitoring absence and putting together other potential indicators. Some of the indicators could be:

- Uncharacteristically depressed, anxious, distracted, lacking in concentration, self-confidence or self-esteem
- Changes in the quality of work for no apparent reason
- Receiving repeated upsetting telephone calls/faxes/emails
- Increased absenteeism or lateness and/or with unusual explanations
- Repeatedly requiring time off for appointments
- Excessive clothing
- Repeated injuries or unexplained bruising
- Accident prone
- Unusual use of alcohol or other substances
- Obsession with time
- Avoiding lunch breaks or socialising outside work
- Nervous on arrival and when leaving work
- Reluctance to leave work at the end of the working day
- Isolating themselves at work

Confidentiality

Talking about domestic abuse can be very difficult. If an employee raises an issue about

domestic abuse with a manager or colleague, then this discussion and any subsequent discussions must be treated with confidentiality and respect. Confidentiality should only be broken in order to protect the safety of an individual, particularly in the case of children or vulnerable adults. Managers and colleagues must make this clear to the employee at an appropriate point in the conversation about domestic abuse.

All meetings with employees should take place in private and any information recorded should be kept in secure storage.

Responding Sensitively

Managers need to be approachable and available but should not directly confront an employee. It is for the employee to raise the matter. However, if a manager suspects that an employee is affected by domestic abuse, they can and should encourage them to discuss their concerns.

It is important that managers respond sensitively when they are aware that a member of staff is experiencing domestic abuse. Managers can do this by:

- Ensuring privacy for any conversations about the issues – using an office or room where interruptions can be avoided.
- Respecting confidentiality
- Being non-judgemental and patient – a member of staff experiencing domestic abuse may need time to decide what to do and may try different short- and long-term options during the process. They have the right to make informed decisions about their own future and circumstances.
- Offering the option of speaking to another manager who may be more appropriate, such as a manager of the same sex or ethnicity as the employee experiencing domestic abuse.
- Discussing the different ways that the Council's policies or benefits may support the employee or providing a list of external agencies who may be able to provide additional or different support.

Practical Support

If an employee discloses that they are experiencing domestic abuse their manager should advise them of sources of support, including access to the counselling, referral to appropriate agencies and involvement of the police. However, no referrals should be made on behalf of the employee without their consent.

Managers are not expected to act as counsellors or advisers.

Support may be available from the Trade Unions for employees who are union members who have personal or domestic issues that are impacting on their working situation. As well as providing access to specialist services the Union may be able to assist an individual in raising with their manager the issues that need to be addressed to help support the employee during this period.

Employees experiencing domestic abuse may be more vulnerable to stress at work and may have attendance and/or performance issues as a result. Therefore, in addition to the immediate assistance and counselling referred to above, managers are encouraged to consider ways in which the sympathetic use of our employment policies and procedures can be used to support employees experiencing domestic abuse as detailed below.

The Council acknowledges that an employee who is a victim of domestic abuse may require additional leave of absence when attempting to seek help or leave an abusive relationship. Leave requests may be made in relation to appointments with support agencies, welfare agencies, legal advisors, housing agencies, to attend relevant court hearings, or perhaps to arrange for suitable childcare.

In such circumstances, employees and managers should, in the first instance, consider using annual leave, however, depending on the circumstances it may be more appropriate to:

- arrange temporary flexible working hours so the employee can seek protection, go to court, look for new housing, or enter counselling etc
- agree to the use of compassionate leave or concessionary time or time off for dependants particularly if the requests are for relatively short periods. Managers have discretion for compassionate leave and time off for dependants to be paid or unpaid. They are encouraged to look sympathetically at paid options where appropriate.

If a victim has to relocate, managers should make reasonable allowance for different travel to work arrangements, e.g. having a longer journey to work or to school before the working day. This could be done by temporarily varying working hours or using flexible working opportunities.

A temporary variation to hours or patterns of work can help to ensure that the employee is less at risk at work, and on their journeys to and from work. Changes to the office layout could be considered to ensure that the employee is not visible from reception points or from ground floor windows.

It may be appropriate to offer changes in specific duties, such as answering phones or working in a reception area or, in exceptional circumstances, seeking another post, if alternative arrangements cannot be easily found.

Where a victim and a perpetrator of domestic abuse both work for the Council, the organisation will take steps to stop any abuse relating to issues arising in the workplace using the appropriate policies and procedures.

Managers should discuss and agree with the employee what to tell colleagues, including how they should respond if the perpetrator telephones or calls at the workplace.

Ensuring Safety

When a manager is made aware of domestic abuse, they should discuss with the employee

whether there is any risk to the employee or to their colleagues whilst at work. If it is agreed that there could be a risk, the manager should seek advice in carrying out a risk assessment and taking action to minimise the risks in the workplace. This could include such measures as additional security measures at the entrance to the building or interception of telephone calls.

Physical security can be very important in cases of domestic abuse. Great care must be taken to ensure that employees' personal information, for example home addresses or telephone numbers, are not given out to individuals, either work colleagues or individuals from outside the workforce, who are not properly authorised to have it, whoever they claim to be. The Data Protection Act clearly prohibits improper disclosure of such information, and it is particularly important to help to ensure that employees and their families are safe at home, travelling to and from work and when carrying out their duties. Giving out such information to those not authorised to have it could put individuals at risk.

If anyone is unsure of whether it is appropriate to give out information about a colleague, or feel in any way intimidated to do so, they must discuss the situation with their manager before taking any action.

Employees who are Perpetrators of Domestic Abuse

The Council wishes to encourage perpetrators of domestic abuse to seek support and help from an appropriate source. It is acknowledged that there is little support available for perpetrators who have not entered the criminal justice system.

However, all employees should be aware that domestic abuse is a serious matter that can lead to criminal convictions and employees who identify as, or are found to be, perpetrators of domestic abuse may be subject to the Council's disciplinary procedures in the following circumstances:

if they are involved in domestic abuse related incidents which occur in the workplace or during work time, including threatening telephone calls or misuse of the computer network if an employee's activities outside work have an impact on their ability to perform the role for which they are employed or are likely to bring the Council into disrepute. This is particularly relevant for those who work with the public, with children or vulnerable adults.

Where a perpetrator makes a disclosure of committing domestic abuse, a risk assessment must be completed, taking into account:

The nature of the disclosure;

- Job role – the impact of the employee's actions on their duties and responsibilities;
- Any safeguarding issues that arise;
- The employee's work location;
- The impact on the victim or his/her dependants; and
- Whether the employee has voluntarily sought help to deal with the issue

Temporary or permanent redeployment, to either a different job or the same job in a different location, may be considered if for example, their victim works in the same area as a

perpetrator or while disciplinary procedures are being undertaken.

An employee who is a perpetrator of domestic abuse may approach their manager about their own behaviour. The manager should offer advice about the services available to perpetrators of domestic abuse.