

DOMESTIC ABUSE POLICY

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

Chesterfield Borough Council recognises that domestic abuse is a serious issue and that incidents of domestic abuse are common, significantly under-reported and critically affects many people's lives. The council acknowledges that domestic abuse can affect an individual's work performance and as an employer the council has a responsibility for health, safety and welfare at work and it is essential therefore that the working environment promotes the view that domestic abuse towards or by its' employees is unacceptable and will not be tolerated.

The council is committed to tackling domestic abuse as its effects become apparent in the workplace. The effects of domestic abuse can influence the health and self-confidence of employees who may in turn feel unable to confide in others or seek help. Many of those that experience domestic abuse have difficulty attending work regularly and demonstrate longer term symptoms such as depression, anxiety, or stress that consequently affect work performance.

The council recognise that it is important that all employees and managers are aware of the impact that domestic abuse can have and is a possible cause when employees are depressed, distracted, lacking in self-confidence or visibly injured. The council therefore strives to create a working environment that promotes the understanding that everyone has the right to a life free from domestic abuse in any form and that domestic abuse towards or by its' employees is wholly unacceptable and inexcusable.

SCOPE

The policy shall apply to all council employees which includes work experience placements and those on working on behalf of the council e.g. contractors, consultants, agency staff and volunteers or any self-employed individuals working for the organisation.

PRINCIPLES

In 2013 the Home Office defined domestic abuse as:

"Any incident or pattern of incidents of controlling, coercive or threatening behavior, 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 abuse can encompass but is not limited to

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is 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.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.*

*This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group."

Domestic abuse can include:

- sexual abuse and rape (including within a relationship)
- punching, kicking, cutting, hitting with an object
- withholding money or preventing someone from earning money
- taking control over aspects of someone's everyday life, which can include where they go and what they wear
- not letting someone leave the house
- reading their emails, text messages or letters
- threats to kill or harm them, a partner, another family member or pet.

The majority of domestic abuse incidents and the most serious and repeated acts are committed by men against women. It is, however, important to recognise that domestic abuse also occurs in other circumstances, for example, same sex relationships, women against men and from other family members.

The council recognise that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subject to domestic abuse in terms of current employment or career development.

SECTION 2: PROCEDURE

VICTIMS OF DOMESTIC ABUSE

As an employee, if you are the victim of domestic abuse, you may feel that you are unable to talk to anyone about your situation. You may be afraid or worried about the consequences that this might have on you, your family, your home, your job or your income. You do not have to keep this to yourself; there is help and support available. You will find contact details and more information about the confidential support that is available to you, either through Chesterfield Borough Council or independently at the end of this policy. Alternatively you may prefer to talk to your manager, a member of HR, your trade union representative or a work colleague in confidence.

RESPONSIBILITY OF MANAGERS

Managers may become aware of the situation through associated issues identified in the managing attendance process or through performance reviews. As with other issues, identifying that an employee is experiencing difficulties at an early stage can lead to appropriate help being offered. This in turn could mean the employee is able to deal with their situation far more effectively, and before risk escalates. Domestic abuse awareness training will be provided to managers.

The role of the manager is not to take on casework, but to signpost individuals to the professional support that is available and to make it clear through this policy, and their own actions, that employees will be supported. In addition managers should:

- Listen and believe;
- Not make judgements;
- Keep confidential notes of all discussions;
- Ensure that access to this policy is available to every employee.

Where domestic abuse is identified managers should respond appropriately and effectively and consider the following preventative and supportive measures:

- Support the employee to establish a personal safety plan;
- Improve security measures on entry to buildings;
- Remind employees of their responsibilities under the Data Protection Act , including those on reception and switchboard not to divulge personal information about employees, such as addresses, telephone numbers or shift patterns;
- Offer temporary changes in the work place such as work times and patterns that will minimise an employee's risk both at work and during their journeys to and from work;
- Offer a change in specific duties, such as not requiring the employee to answer phones or work in reception area, or in exceptional circumstances, redeployment to another post;
- Agree how to make colleagues aware of how to respond if the perpetrator rings or calls at the workplace. Provide colleagues with a description of the perpetrator and other relevant details such as car registration numbers;
- If there is the need for such discussions with colleagues, in agreement with the employee, the manager should remind staff that the information about the domestic abuse situation is confidential. Any unauthorised breach of confidentiality could lead to disciplinary action being taken against them.
- Have effective lone working measures in place e.g. mobile phones, in/out board, use of careline resource, skyguard;
- Maximise safety for all employees carrying out their duties;
- Undertake a stress risk assessment for the employee concerned;
- Ensure confidentiality in maintaining records and discussing support;

- Consider and discuss with the employee the range of supportive measures available from within and outside the council and encourage them to access suitable support;
- Record any incidents in the workplace including a record of any witnesses;
- Seek advice from HR before considering further action;
- Act with integrity and be accountable for your own actions;
- Consider safeguarding issues and act accordingly.

Managers must have a sensitive and non-judgmental approach when dealing with employees who are experiencing domestic violence. This can include:

- Taking the employee at face value and offering time to listen to them;
- Ensuring that any discussion about the employee's situation takes place in private, clearly stating the extent and boundaries of confidentiality, (see section below on confidentiality);
- Understanding that the employee may not wish to approach their line manager and might opt to involve others, such as a colleague, a trade union representative or HR. It may be appropriate to offer the option of speaking to another colleague or someone from HR who will be able to advise the employee and/or their line manager of what measures can be taken;
- Being aware that there may be additional issues faced by the employee e.g. a protected characteristic. Managers are not expected to understand all the cultural or emotional differences in each case but are obliged to treat people equally and with respect in responding to any additional needs. If you need specific advice in relation to any of the above contact HR;
- Being non-judgmental - the employee may need some time to decide what to do and may try many different options over a period of time. Research has shown that it can take several years to break free of a violent relationship and you should, for example, not assume that because an individual returns or stays in a violent relationship, that the violence was not severe, did not take place, or that they did not want it to stop;
- A referral to Occupational Health and/ or offer counselling if the employee is affected at work and/ or they have requested access.
- Ask the employee if they have any specific needs around equality and diversity issues.
- Being aware of what support is available and exploring these options with the employee. If the employee does not want you to contact other agencies, you must respect their wishes.
- Support employees to access other agencies or report it to the police if they wish to.

When considering preventative and supportive measures, the manager may be required to take account of whether these are operationally appropriate, however, ensuring the safety of employees should be of primary concern throughout this process.

Statistics have shown that the risk of more serious assaults, permanent injury and murder takes place when a woman decides to leave an abusive relationship, or immediately after. It is important therefore, not to underestimate the danger or assume that the fear of violence is exaggerated.

RESPONSIBILITY OF EMPLOYEES

All employees have a duty to follow the Domestic Abuse policy and seek advice if they do not understand anything. In addition employees should:

- Be supportive and non-judgemental towards colleagues;
- Maintain confidentiality and not discuss sensitive information about colleagues;
- Report any incidents, changes in behaviour or comments to your manager or HR;
- Report any safeguarding concerns to a manager or HR.

RECORDING INFORMATION

Any discussions taking place about domestic abuse and any actions agreed should be documented to provide as full a picture as possible. These records need to be clear and accurate, and where possible, dates, times and locations should be included. Records could be used as part of an internal review to identify any lessons learnt or to provide evidence in any potential legal action within the criminal or civil justice system. However, these records should not, under any circumstances, be used to the detriment of an employee who has experienced abuse. The purpose of this policy is to support victims of abuse. Any records that are kept are for the express purpose of keeping the victim safe from harm.

LEAVE

In cases of domestic difficulty the Leave Policy allows for time off in response to major personal distress. When an employee has disclosed that they are experiencing domestic abuse, requests should be considered favourably for reasonable time off and recorded as compassionate leave. Reasons for requests may include:

- appointments with support agencies;
- arranging re-housing;
- meetings with solicitors;
- making alternative childcare arrangements, including meetings with schools.

A CMT manager can approve paid leave of absence up to seven days for 'compassionate leave'. Paid leave in excess of three days should, however, only be given in exceptional circumstances.

Each application for paid leave of absence should be judged on the specific circumstances relating to the individual case. There is no automatic right to paid compassionate leave.

CONFIDENTIALITY

If an employee discloses to their manager that they are experiencing domestic abuse, the manager should reassure them that they will keep this information confidential as far as possible.

The consequences of breaching this duty of confidentiality could have serious effects for the employee experiencing domestic abuse, potentially increasing the risk to their safety. It could exacerbate the domestic abuse and impact on the employee's family, their working arrangements and social activity.

There are some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where an employer needs to act to protect the safety of employees. In these circumstances the manager must seek advice from HR in the first instance, discuss with the employee the reason for disclosing any information to a third party and will aim to seek the employee's agreement where possible.

PERPETRATORS OF DOMESTIC ABUSE

The council will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case-by-case basis. The aim is to reduce risk and support change recognising their role in encouraging and supporting employees to address violent and abusive behaviour of all kinds. If an employee approaches the council about their abusive behaviour, information about services and support available will be provided.

Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. If an employee is found to be deliberately assisting an abuser in perpetrating the abuse by giving them access to facilities such as telephones or email then they will be seen as committing a disciplinary offence.

Conduct outside of work (whether or not it leads to a criminal conviction) can lead to disciplinary action being taken against an employee because of the impact it may have on the employee's suitability to carry out their role and/or because it undermines public confidence in the council. Where appropriate, there will be an investigation of the facts as far as possible, and a decision made as to whether the conduct is sufficiently serious to warrant disciplinary action being taken.

Factors that will be considered are:

- The nature of any criminal justice proceedings and/or convictions;
- The nature of the conduct and the nature of the employee's work;

- The extent to which the employee's role involves contact with other employees or the general public;
- Whether the employee poses a risk to other members of staff or the public.

IF THE VICTIM AND PERPETRATOR WORK FOR THE COUNCIL

Where both the victim and perpetrator of domestic abuse work for the council there is a duty of care for both members of staff. Appropriate action will be taken which will include: -

- Consideration to moving one or both of the employees. Any move of the victim should respect their feelings as well as their safety; no move of the victim should be done without their full consent;
- Minimising the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim.
- Offer impartial support and where possible ensure both the victim and perpetrator have different line supervisors who are able to provide appropriate information to each party.
- Ensure confidentiality is maintained.

SAFETY STRATEGIES

If an employee is separated from an abusive partner or even whilst still living together, there are ways in which they can feel safer and better supported. These are to:

- Explain the situation to family/ friends and talk honestly with them;
- Ask neighbours to call the police in the event of them being aware of an incident;
- Inform colleagues at work;
- If children are involved, inform those who take care of them and name who can collect them;
- Report and explain all injuries to health workers;
- Secure the home;

For the safety of employees, and potentially their family, there may come a time when they are forced to leave their home urgently. It is useful, therefore, to try to be prepared. The following checklist could help:

- Keep a list of important contact numbers;
- Have mobile phones charged;
- Keep important documents together;
- Try to have some money available;
- Have a bag prepared with a change of clothes and (hidden or at someone else's house);

FURTHER INFORMATION

Further information can be found by contacting the local and national resources below:

Chesterfield Borough Council Occupational Health and/ or counselling

Tel: 01246 345805 (HR team)

National Domestic Violence Helpline – Womens aid and refuge

Tel: 0808 2000 247 (24 hours)

Email: helpline@womensaid.org.uk or helpline@refuge.org.uk

Website: www.womensaid.org.uk or www.refuge.org.uk

National Men's Advice Line

Tel: 0808 801 0327

Email: info@mensadviceline.org.uk

Website: www.mensadviceline.org.uk

The Elm Foundation (Chesterfield)

Tel: 01246 540464

Website: www.theelmfoundation.org.uk

Derbyshire Domestic Abuse helpline

Tel: 08000 198 668

Email: DerbyshireDAhelpline@actionorg.uk

Website: www.actionorg.uk

Mankind Initiative

Tel: 01823 334 244

Email: admin@mankind.org.uk

Website: new.mankind.org.uk

Victim supportline

Tel: 08 08 16 89 11

Childline

Tel: 0800 1111

NSPCC Helpline

Tel: 0808 800 5000

Karma Nirvana Honour Network Helpline

Tel: 0800 5999 247

Website: www.karmanirvana.org.uk

Force Marriage unit

Tel: 020 7008 0151

Samaritans

Tel: 116123

Email: jo@samaritans.org

Respect

Tel: 0808 802 4040.

Email: info@respectphoneline.org.uk

Website: www.respectphoneline.uk.net