

Domestic Abuse Procedure

Human Resources Team

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Version Control

Version	Description of version	Effective Date
1.	First Draft and internal review	25 th June 2019
1.1	Updated following internal consultation	1 st November 2019

Approvals

Approved by	Date
Joint Negotiating Group	15 th August 2019

Associated Documentation

Description of Documentation	
Safeguarding Policy and Procedure	Ethics Statement
Equalities Policy Statement	Potentially Violent Persons Policy
Employee Code of Conduct	Corporate Warning Register

1.0 Introduction

- 1.1 South Derbyshire District 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. As an employer it accepts the health, safety and welfare responsibilities at work and that it is essential that domestic abuse towards or by its employees is unacceptable and will not be tolerated.
- 1.2 The Council is committed to tackling domestic abuse as its effects become apparent in the workplace. The effects of domestic abuse can influence the physical and mental 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 symptoms such as depression, anxiety, or stress and in some cases signs of physical harm.
- 1.3 The Council recognises that it is important that all employees and managers are aware of the impact that domestic abuse can have and 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.

Scope

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

Equality and fairness

- 1.5 The Council as an employer and service provider takes its commitment to equality and fairness very seriously. It is, therefore, unacceptable to discriminate against any employee who may be the subject of domestic abuse. Allegations of discrimination and harassment will be investigated and may lead to disciplinary action, including dismissal, being taken.

2.0 Principles

- 2.1 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."*

2.2 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 or other residential property
- reading and controlling their emails, text messages, social media or letters
- threats to kill or harm them, a partner, another family member or pet.

2.3 The majority of domestic abuse incidents, including 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.

3.0 Victims of Domestic Abuse

3.1 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. Contact details and more information about the confidential support that is available to you, either through the Council or independently are detailed at the end of this procedure or on the Wellbeing pages on the intranet. Alternatively, you may prefer to talk to your manager, a trained Mental Health First Aider (MHFA), a member of Human Resources (HR), your trade union representative or a work colleague in confidence.

Responsibility of Managers

3.2 Managers may become aware of a potential situation involving domestic abuse through associated issues identified in the managing attendance process or through other discussions held with the employee, colleagues or via third parties. 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 the risk to their personal safety escalates.

Domestic abuse awareness training and additional information will be provided to managers.

3.3 The role of the manager is to support and signpost individuals to the professional advice and services that are available in line with this procedure. In addition, managers should also:

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

3.4 Where domestic abuse is identified managers should respond appropriately and effectively and consider the following preventative and supportive measures with relevant professional services if required:

- Support from the Council for the employee to establish a personal safety plan;
- Improve security measures on entry and egress to work locations;
- Remind employees of their responsibilities under the Data Protection Act , including colleagues and other front-line workers (Contact Centre, reception etc.) not to divulge personal information about employees, such as addresses, telephone numbers or shift patterns;
- Offer temporary changes to work arrangements such as work times and locations etc. that will minimise an employee's risk both at work (including travelling to different sites) and during their journeys to and from work;
- Offer a change in specific duties, such as not requiring the employee to answer phones, emails 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 comes in to the workplace. Provide colleagues with a description of the perpetrator and other relevant details subject to any decision being taken in line with the Potentially Violent Persons Policy;
- The requirements of the Data Protection Act 2018 must be considered in relation to the release and use of any personal and sensitive data concerning individuals;
- 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, provision of personal safety device (solo-protect);
- Maximize safety for other colleagues that may be impacted if other actions are taken such as changing work locations, responsibilities etc.
- Undertake a stress risk assessment for the employee concerned;
- Arrange for support from a MHFA at work;
- 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;
- Report any incidents in the workplace using the Corporate Incident Form and include a record of any witnesses;
- Seek advice from Human Resources before considering further action;
- Act with integrity and be accountable for your own actions;
- Consider safeguarding issues and act accordingly;
- Recognise the impact on work colleagues and yourself and take appropriate supportive measures;
- In certain exceptional circumstances, such as the perpetrator being a housing tenant or resident in the District where other Officers may have to visit a property, to consider if the person should be listed on the corporate warning register. Advice must be taken before progressing this from Human Resources, Legal and Strategic Director (Corporate Resources).

- 3.5 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;
 - Understanding that the employee may not wish to approach their line manager and might opt to involve others, such as a colleague, MHFA, a trade union representative or Human Resources. It may be appropriate to offer the option of speaking to another colleague, MHFA or someone from Human Resources 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 that are classed as a protected characteristic under the Equality Act. Managers are not expected to understand all the cultural, religious or other differences in each case but are obliged to treat people equally, fairly and with respect in responding to any additional needs. If you need specific advice in relation to any of the above, contact Human Resources;
 - 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, MHFA 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 or requirements that may need additional consideration;
 - 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;
 - Recognise the impact on work colleagues and yourself and take appropriate supportive measures.
- 3.6 When considering preventative and supportive measures, the manager will be required to take account of whether these are operationally appropriate, however, ensuring the safety of employees should be the primary concern throughout this process.
- 3.7 Statistics have shown that the risk of more serious assaults, permanent injury and murder takes place when the person decides to leave an abusive relationship, or immediately afterwards. It is important therefore, not to underestimate the danger or assume that the fear of violence is exaggerated, and ongoing measures remain in place and are regularly reviewed.

Responsibility of Employees

- 3.8 All employees have a duty to follow the Domestic Abuse Procedure and seek advice if they do not understand anything. In addition, employees should:
- Be supportive and non-judgmental towards colleagues;
 - Maintain confidentiality and not discuss or disclose sensitive information about colleagues;
 - Report any incidents, changes in behaviour or comments to their manager or Human Resources;

- Report any safeguarding concerns, if the incident concerns a child or vulnerable adult in line with the Safeguarding Policy and to a manager or Human Resources;
- Adhere to and support any measures that are introduced at work to protect other colleagues;
- Report any incidents formally to the line manager and/or one the incident/accident reporting form to ensure accurate records of any contact are available as they may be needed if issues escalate, including criminal charges being progressed;
- Seek immediate support from the line manager, MHFA, trade union representative or other colleagues if the situation is impacting on their health, wellbeing or safety at work.

Recording Information

- 3.9 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, with dates, times, witnesses and locations included. Records could be used as part of an internal review to identify any lessons learnt. However, these records should not, under any circumstances, be used to the detriment of an employee who has experienced abuse. The purpose of this procedure is to support victims of abuse. Any records that are kept are for the express purpose of keeping the victim safe from harm.

All records must be kept secure and not disclosed to any third party without formal approval from a manager being given. Electronic records should only be saved on a secure area on the Council's IT network and paper records must be kept in locked drawers or units. All records should only be held for as long as they are required and then securely destroyed. Further information should be obtained from the line manager.

Leave

- 3.10 In cases of domestic difficulty reasonable time off to deal with emergency situations will be permitted. This will be in line with any corporate scheme in place at the time and advice should be obtained from Human Resources on how much can be given and whether it should be paid or unpaid. Reasons for requests may include:

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

- 3.11 Each application for paid leave of absence should be judged on the specific circumstances relating to the individual case. There is no contractual right to paid leave and each case will be assessed with advice from Human Resources. All leave permitted will be formally recorded.

4.0 Confidentiality

- 4.1 If an employee discloses that they are experiencing domestic abuse, the manager should reassure them that they will keep this information confidential.
- 4.2 The consequences of breaching this duty of confidentiality could have serious implications for the employee experiencing domestic abuse, potentially increasing the risk to their safety. It could exacerbate the domestic abuse, affect their performance at work and/or attendance at work, impact on their family, and social activity.

- 4.3 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 Human Resources and Legal 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.
- 4.4 Should the employee be unwilling to agree to the release of information then if it is still considered necessary, for example in circumstances identified in 4.3 above, the employee will be informed of what information is to be released, to whom and for what purpose. This will be completed before the information is released unless it is not possible due to the serious risk to either the employee or others. At all times, consideration should be given to the supportive measures that may need to put in place to minimize the risk to the employee or other colleagues.

5.0 Perpetrators of Domestic Abuse

- 5.1 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 its 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.
- 5.2 Criminal justice proceedings and/or convictions are to be progressed independently of any internal procedure that is undertaken. They should not therefore be a determining factor in whether any internal action is taken.
- 5.3 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.
- 5.4 When it is evident that the Police are intending to commence or have commenced formal proceedings against an employee then this should be raised with a member of the Leadership Team, Human Resources and Legal Services so advice on an appropriate way forward can then be determined.
- 5.5 If the Council is informed that an employee has a prior conviction for domestic abuse that has not been previously disclosed then advice must be sought from Human Resources and Legal Services on the action that should then follow in line with the Council's employment procedures (Note – some posts do not require a Disclosure and Barring Service (DBS) check to be completed so the none declaration of a conviction will need further consideration taking into account the matters referred to in 5.3.

6.0 Victim and perpetrator both work at the Council

6.1 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 providing different work location or duties of one of both 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;
- Seeking support from the appropriate statutory bodies
- Minimising the potential for the perpetrator to use their position or work resources to continue any abuse of the victim;
- Offer impartial support and where possible ensure both the victim and perpetrator have different managers who can provide appropriate information to each party;
- Ensure confidentiality is maintained;
- Work with both the perpetrator and victim towards finding immediate solutions and take appropriate action to support the victim and if required formal action against the perpetrator.
- Before commencing any formal action, advice must be sought from Human Resources and Legal Services

7.0 Health and Safety additional considerations

7.1 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 i.e. a referral to Safer Homes.

7.2 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, for the victim, 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.

8.0 Review

8.1 The Procedure may be reviewed at any time in consultation with the recognised Trade Unions.

8.2 This Procedure will be reviewed every three years.

8.3 Human Resources has authorisation to make minor amendments to the procedure arising out of an organisational restructure (e.g. change in post titles).

Further Information & Support Services

Further information and support can be obtained by contacting the local and national services below:

SDDC Human Resources

Tel: 01283 595789 or email hr@southderbyshire.gov.uk

Workplace Mental Health First Aider

Tel: 01283 595789 or email timetotalk@southderbyshire.gov.uk

SDDC Wellbeing supporting resources

Council intranet and type in Wellbeing in the search box or use this link

<http://sddcintranet/index.php/work-and-pay/217-wellbeing>

Derbyshire Domestic Abuse helpline

Tel: 08000 198 668 / Text for deaf or hearing impaired: 07557 800313. Emergency SMS - text: 999.

Email: DerbyshireDAhelpline@actionorg.uk

Website: <https://actionorg.uk/support-services/domestic-abuse-services/>

National Domestic Violence Helpline (Run in partnership between Women's Aid and Refuge)

Tel: 0808 2000 247 (24 hours)

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

Website: <http://www.nationaldomesticviolencehelpline.org.uk/>

National Men's Advice Line Tel: 0808 801 0327

Email: info@mensadviceline.org.uk Website: www.mensadviceline.org.uk

SV2 Support for victims of sexual violence

Advice Line: 01773 746 115 - option 1 (7 days a week 8am to 5pm)

Therapy Line: 01773 746 115 - option 2 (5 days a week 9am to 4pm)

Email: help@sv2.org.uk (weekdays 8am to 5pm)

Mankind Initiative Tel: 01823 334 244

Email: admin@mankind.org.uk

Website: new.mankind.org.uk

Derbyshire Victim Services

Support line: 0800 612 6505 / Text "COREDVS" to 82228

Email support@derbyshirecore.org Website: <http://derbyshirevictimservices.co.uk/>

ChildLine, Tel: 0800 1111 / <https://www.childline.org.uk/>

NSPCC Helpline Tel: 0808 800 5000

Karma Nirvana Honour Base Abuse Helpline Tel: 0800 5999 247

Website: www.karmanirvana.org.uk

Force Marriage unit

Email: fm@fco.gov.uk

Telephone: 020 7008 0151

Samaritans Tel: 116 123

Email: jo@samaritans.org

Website: <https://www.samaritans.org/>