

Domestic Violence & Abuse Policy

This document is recommended for adoption by School Governing Bodies, subject to suitable amendment.

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1. Introduction

- 1.1 Bury Council is committed to responding sensitively and effectively to those employees needing help and support should they experience domestic violence or abuse. Violence against people is unacceptable and will not be condoned.
- 1.2 This policy is underpinned by a commitment to the principles/procedures of safeguarding children, a duty of care to employees, equality and diversity and the protection of vulnerable adults. All those experiencing or affected by domestic violence or abuse will be treated according to their needs unless the law/safeguarding procedures dictate otherwise.
- 1.3 The Council operates a zero-tolerance approach to domestic violence and any alleged act committed by a council employee which is deemed to be domestic violence related may lead to an allegation of gross misconduct; which carries a maximum disciplinary sanction of dismissal from employment, if subsequently found to be proven.
- 1.4 Any staff member, whose work involves children or vulnerable adult, experiencing domestic violence and/or who are involved in any matter where the care of their own children is in question by children's services **must** disclose this in confidence (for example to their manager, a member of their management team, or HR) as this could conflict with their role at the Council.
- 1.5 The Council is committed to ensuring that staff who work with vulnerable people are able to recognise signs and symptoms of domestic violence. To assist staff in this, training is available through the Community Safety team or via e-learning.

2. Principles

- 2.1 The current Domestic Violence and Abuse Strategy has four priorities:
 - Improving processes - so all victims can access timely and effective information, advice and support
 - Improving partnerships- to work together with a shared vision for the good of the victim
 - Driving Prevention – individuals and communities recognise and understand domestic abuse and live in a culture of healthy relationships
 - A focus on Perpetrators – working to stop harmful behaviours.

This policy sets out the approach of the Council in respect of its own employees experiencing domestic violence or abuse.

- 2.2 Bury Council and its recognised Trade Unions are committed to ensuring support is available to employees who are experiencing or surviving domestic violence or abuse and recognise that anyone can experience or be a survivor of domestic violence or abuse regardless of any protected characteristic, as per the Equality Act 2010.
- 2.3 Bury Council recognises the scope of domestic violence and abuse (see section 5) and that we have a responsibility for the wellbeing of staff; understanding that domestic violence and abuse can have a major impact on individuals, who often hide the circumstances of their situation from others including their children (recognised specifically in the Domestic Abuse Act 2021), colleagues, and family members.
- 2.4 This policy is part of the commitment of Bury Council to family friendly working and seeks to benefit the welfare of individual members of staff, retain valued employees, improve morale and performance and enhance the reputation of the Council as an employer of choice.

3. Aims

This policy aims to:

- Positively assist and support employees who are experiencing or surviving domestic violence and abuse
- Assist managers in supporting staff when incidents of domestic violence and abuse are reported
- Remove fears of stigmatisation at work of members of staff experiencing domestic violence and abuse
- Reduce absences from work resulting from domestic violence and abuse; and assist in improving performance by positively offering practical support to employees who are affected
- Demonstrate the commitment of the Council to challenging the social issue of domestic violence and abuse through our zero-tolerance approach.

4. Legal Obligations

The Council recognises that all employees have a right to feel safe within their working environment. This policy will assist the Council to meet legal obligations by:

- Providing a safe working environment for all employees [Health and Safety at Work Act 1974]
- Acting in accordance with the European Convention on Human Rights [Human Rights Act 1998, articles 2 and 8]
- Providing for the well-being of its citizens [Local Government Act 2000]

- Crime and Disorder Act 1998
- Domestic Violence and Victims Act 2004
- Domestic Abuse Act 2021

5. Definition of Domestic Violence & Abuse

5.1 The Domestic Abuse Act defines domestic abuse as any incident or pattern of incidents, between intimate partners or family members which can encompass but is not limited to:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Psychological, emotional or other abuse
- Economic abuse
- Acquire, use or maintain money or other property, or;
- Obtain goods or services

This definition has been endorsed by the Bury Domestic Abuse Partnership Board.

5.2 This definition includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, as well as teenage to parent abuse and elder abuse when committed within the family or by an immediate partner.

5.3 Domestic violence and abuse involves misuse of power and exercise of control by one person over another person; usually within the context of an intimate relationship or within a family. It is rarely a one-off incident. Evidence suggests it is a pattern of abuse and intimidation that becomes more severe over time.

5.4 Domestic violence and abuse occurs in all groups and sections of society and may be experienced differently, due to, and compounded by, race, sexuality, gender re-assignment, disability, age, religion, culture, class, mental health or caring responsibilities.

5.5 Examples of domestic violence/abuse:

- Physical assault or threats of physical assault [such as slapping, pushing, kicking, punching, stabbing or destruction of personal property]
- Sexual assault or threats of sexual assault
- Emotional or psychological abuse [such as intimidation, verbal abuse, humiliation, not allowing friends or relatives to visit]
- Denial of rights or restriction of personal freedom [such as with-holding money or medical help]
- The imposition of social isolation or movement deprivation
- Forced marriage.

6. Impact of Domestic Violence & Abuse on the Workplace

- 6.1 Employees experiencing domestic violence and abuse may receive harassing or repeated phone calls, texts or e-mails, unwelcome notes left on their cars or unplanned and unannounced visits at work. They may also be stalked, physically assaulted or murdered while at, or travelling to and from, work. Colleagues may be followed to or from work, or subject to questioning about the employee's contact details or location.
- 6.2 Perpetrators may be using workplace resources such as time, phones, e-mail or other means to threaten, harass or abuse their current or former partner.
- 6.3 Domestic violence and abuse can greatly impact on an employee's working life. Many of the abused suffer physical injuries, sleep deprivation, low morale, low self-esteem, and heightened anxiety levels, all of which contribute to lateness, absenteeism and poor performance.
- 6.4 Employees experiencing domestic violence and abuse are especially vulnerable whilst they are at work, because once they attempt to leave an abusive partner the workplace can become the only place where they can be located and harmed.
- 6.5 The Council accepts that working from home may present challenges to those experiencing domestic violence and abuse, if the perpetrator of violence is also in the home during those working hours. Working from a Council building is always an option for all staff in this situation.

7. Individual Support

- 7.1 All employees have the right to work in a supportive and confidential environment that does not discriminate against or stigmatise them if they are experiencing domestic violence and abuse. Employees are not obliged to tell anyone at work about their domestic situation but there are a range of people within the workplace that they may find it helpful to talk to, for example; their line manager, HR staff, Trade Union Representatives, Occupational Health or First Contact Officers (for Council employees).

A list of First Contact Officers who have been trained to respond to disclosure can be found via the link below: <http://intranet/index.aspx?articleid=13231>

It is advisable to talk to someone at work if you feel that your personal situation is affecting your work – specific details are not necessary but a joint approach to problem solving to resolve any work issues is essential.

- 7.2 Any member of staff or representative the Council should respond sympathetically, confidentially and effectively to a member of staff who discloses they are experiencing domestic violence and abuse.

- 7.3 Where domestic violence/abuse has been reported, line managers will treat unplanned absences and temporary poor timekeeping sympathetically.
- 7.4 Any confidante will respect the right of staff to make their own decision on the course of action at every stage.

8. Managers & Supervisors

8.1 Possible Indicators of Domestic Violence/Abuse

8.1.1 Managers may be the first to become aware that an employee is experiencing domestic violence and abuse because they have the role of monitoring and investigating sickness, attendance and work performance. Some additional indicators to consider are:

- Uncharacteristically late or high absenteeism rate without explanation
- Inappropriate or excessive clothing
- Repeated injuries or unexplained bruising or explanations that don't fit with the injuries
- Changes in the quality of work performance for no apparent reason
- Receiving repeated upsetting calls/texts/e-mails or being the victim of vandalism/threats
- Member of staff becoming withdrawn or showing changes in personality
- Lack of money
- Obsession with time or avoiding lunch breaks or socialising outside of work
- Needing time off for appointments
- Never having their camera on during Teams calls
- Seeming uneasy and not free to speak openly during Teams calls from home
- Being in the office a lot more or a lot less than previously

The effects of domestic violence and abuse will vary and the examples given are only potential indicators and should not be used alone to identify whether or not someone is a victim of domestic violence or abuse.

8.2. Strategies for Dealing with Disclosure

Managers who become concerned that a member of staff may be experiencing domestic violence or abuse should:

- Be supportive, available and approachable
- Take time to listen, take the employee seriously, use empathy and ensure a non-judgmental approach

- Ask any direct questions with care and sensitivity, reinforcing that as far as possible confidentiality will be respected
- Hold discussions in a private place
- Encourage the employee to seek the advice of other relevant agencies
- Make available a list of resources for victims of domestic violence and abuse. Details can be found via www.bury.gov.uk/domestic violence and <https://theburydirectory.co.uk/search?search=Domestic%20abuse>
- Agree a communication plan with the individual when time off is needed
- Understand that they are not counsellors and are not expected to carry out this function. Counselling is to be left to trained professionals.

More detailed guidance for managers is shown at Appendix 1.

8.3 Maintaining Confidentiality

8.3.1 The Council will only involve other agencies; or divulge information with the consent of the person concerned; unless required to do so by law or in accordance with other safeguarding procedures (for example, where there is disclosure of violence and abuse towards a child or vulnerable adult).

8.3.2 Managers have a duty to maintain a secure environment for all employees and this may be made easier if colleagues are aware of potential risks. In situations where others may be put at risk, and at the express wish of the member of staff in question, managers can agree with the individual what information can be disclosed. In these circumstances colleagues privy to this information must be reminded that the information is confidential and that there are risks to the member of staff if it is disclosed. (See 7.1).

8.3.3 Staff should be reminded of the importance of not divulging an individual's personal details; such as addresses, telephone numbers and shift patterns; to other employees or unknown people requesting the information.

8.4 Providing Support

8.4.1 Managers should treat sympathetically distracted behaviour, poor time-keeping and unplanned absences where there is the suggestion that it may be the result of domestic violence and abuse.

8.4.2 Line managers may offer employees experiencing domestic violence/abuse a broad range of support. This may include but is not limited to:

- Leave for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments
- Temporary or permanent changes to working times and patterns

- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role or if they are a fellow employee
- Redeployment or relocation if requested and deemed appropriate and reasonable
- Getting places on assertiveness training courses
- Using other existing policies including Work Life Balance options
- Access to occupational health interventions, e.g., counselling or anything else through the Employee Assistance Programme.

8.5 Keeping Employees Safe

8.5.1 The Council undertakes to ensure the safety of all employees. The Council will actively provide support to employees to try and minimise the risk to their safety while at work, if they make it known that they are experiencing or surviving domestic violence and abuse.

8.5.2 Managers will take reasonable measures to ensure both the member of staff and others immediate safety and security at work, considerations could include:

- Improving security, changing keypad numbers or reminding staff of any restricted access arrangements which may apply
- Changing duty arrangements such as reception or answering the phone
- Completing a Health and Safety risk assessment
- Changing the layout of the room so that the individual cannot be seen through reception/entrances or through a window
- Changing specific duties, for example to avoid potential contact with an abuser in a customer facing role or if they are a fellow employee
- Agreeing with the person experiencing domestic violence/abuse what to tell colleagues and how they should respond to contact from the abuser. Providing colleagues with a photograph and other relevant details e.g., car make and registration
- Making sure that the systems for recording staff whereabouts are adequate and if work requires going out of the office or working alone consider how to minimise risks
- Considering special arrangements for when a member of staff has to leave work at the end of the day
- Ensuring any incidents are recorded using incident report forms. These reports may be used in court or civil proceedings. Details of all witnesses should be recorded
- Seeking redeployment for a member of staff if they request a change of work site or considering a change of working hours or other temporary measures as an option
- Avoiding requests to work overtime without reasonable notice

- Establishing how to contact the member of staff outside of work; contacting them at home may not be appropriate.

8.5.3 Assessments of safety, risk and management control measures should include all foreseeable risks. A risk of domestic violence and abuse in the workplace is reasonably foreseeable once an employee has raised such an issue with the line manager. This also includes when the employee works at home.

8.5.4 Where the perpetrator and the victim both work for the Council reasonable steps will be taken to stop any abuse. In all cases reasonable steps should be taken to ensure the victim and his or her colleagues are not at risk from the perpetrator entering the workplace.

8.6 Absence

Employee, managers and supervisors are encouraged to first explore paid leave options that can be arranged to help the employee cope with the situation without having to take a formal unpaid leave of absence. Depending on circumstances these options may include:

- Granting leave or arranging temporary flexible working hours so the employee can attend relevant appointments with, for example, support agencies, solicitors, or counsellors, to rearrange housing or childcare, attend court etc.;
- Another option would be to consider adjustments to the sickness triggers under the appropriate policy.

None of the above excludes employees from adhering wherever possible to their employer's absence reporting procedure or policies.

8.7 Support for Managers

A manager who is unsure how to approach domestic violence and abuse related issues can and should take further confidential advice from your HR team.

9. Recording Information

In agreement with the staff member, Managers will record a summary of any discussion together with agreed outcomes. The manager should make arrangements to store this on the employee's personal file in accordance with the Council's obligations as an employer. Access to personal files is restricted and no disclosure of the note will be made without the permission of the employee unless this is for legal or safeguarding reasons.

10. Perpetrators

10.1 Zero Tolerance of Alleged Perpetration

10.1.1 Acts of verbal or physical abuse by employees on or off duty are unacceptable and may impact not only on the employer's employment relationship with those employees but could also damage the reputation and good standing of the employer.

10.1.2 The Council's zero tolerance approach will ensure that there is no collusion with the behaviour of employees who are the perpetrators of domestic violence and abuse. If they are violent and/or abusive against partners (regardless of whether partners are also employees) or are using works property/works time to do this they may face disciplinary action, which, if proven, may constitute gross misconduct and lead to their dismissal.

10.1.3 If you are arrested for a reason linked to domestic violence or abuse, you must notify your employer of this as soon as is reasonably possible. Failure to notify your employer of any arrest / investigation / conviction of any kind may constitute gross misconduct under the Council's disciplinary procedure.

10.2 Dealing with Perpetrators

10.2.1 Conduct outside of work of this nature may breach the Council's Code of Conduct and bring the Council into disrepute. The facts will be investigated as far as possible and may warrant disciplinary action, which, if proven, may constitute gross misconduct and lead to their dismissal.

10.2.2 Employees who are perpetrators of domestic violence and abuse may wish to seek help and support voluntarily. Employees who seek help will be offered assistance in finding local sources of help, through the Community Safety Team and Domestic Abuse Partnership Board.

10.2.3 Information will be made available about perpetrator re-education programmes that are available locally/regionally.

10.2.4 If a member of staff is convicted of a domestic violence or abuse offence by the criminal justice system this may constitute gross misconduct and lead to their dismissal under the Council's Disciplinary procedure.

11. Links with Other Policies

Links with other policies:

- Disciplinary Procedure
- Work-life Balance and Family Friendly Initiatives
- Working Alone in Safety
- Capability
- Attendance Management
- Health and safety

- Alcohol and Substance Misuse

12. Review

This policy will be reviewed in conjunction with the relevant Trade Unions after 3 years or earlier as requested.

13. Appendix 1 – Good Practice Guidelines (Supporting Someone Experiencing Domestic Violence & Abuse)

If a member of staff comes to you and is alleging domestic violence or abuse they should be believed unless there is clear evidence to the contrary.

You should:

- Find a safe place to talk
- Check if they are happy to talk to you or would prefer to speak to someone else; support is also available from Occupational Health and/or First Contact Officers.
- Listen carefully and provide space to talk. Assure them of your confidentiality unless there are child protection issues which must be reported.
- Be sensitive and discuss their fears.
- Accept that what is being said is the truth.
- Keep your personal opinions to yourself, do not be judgmental.
- Remember their options may be limited by a lack of access to resources.
- Ask the member of staff what they want you to do, if anything, and respect their decision.
- Ask the member of staff if they want to report it to the police and/or need to see a GP/Occupational Health for medical attention – again this is their choice. If the person is injured they should be encouraged to do this and have any injuries assessed and documented with their consent
- Give information [not advice].
- Be prepared to offer the same standard of support on all occasions no matter how many times the same member of staff comes forward. Because of the persistent nature of domestic violence and abuse victims often find it very difficult to leave abusive relationships.
- Assist them in making contact with agencies that may be able to help . Details can be found via www.bury.gov.uk/domestic violence and <https://theburydirectory.co.uk/search?search=Domestic%20abuse>

More information can be found through the First Contact Officers for Domestic Violence and Abuse. A full list of First Contact Officers is available on the intranet [here](#).

You Should Not:

- Expect too much – they may not want you to do anything other than listen.
- Mislead the individual into thinking you can do more than you can realistically do as their manager.
- Give a new address or phone number to anyone, including payroll or put their new details on any documents other people may have access to.
- Set pre-conditions for supporting them; rush them to make a decision to force them to take action.
- Act as a go-between.

Remember:

- Offering basic information about services is helpful whether they are used immediately or not. Victims need a link to the larger community, and may be unaware that they need or deserve these services as they probably minimize the abuse.
- Pressuring the victim to leave the abuser is not helpful. Violence usually escalates after an attempt to leave. Leaving the situation is a step that should be carefully planned after support and must be taken at the victim's pace.
- Admitting the abuse is happening is the first step to stopping it.