

DOMESTIC ABUSE – EMPLOYEE POLICY

1. INTRODUCTION

Domestic abuse is an issue which affects all sections of society and it is therefore important that the Council has a clear and effective response to help minimize the impact of domestic abuse on employees. It is also important that the Council provides practical guidance to managers and staff to help offer support to those who are affected at work from experiencing abuse. (For the purposes of this policy, the term domestic abuse is inclusive of domestic violence.)

Pendle Council recognises that domestic abuse is a serious issue and that incidents of domestic abuse are common and critically affect many people's lives. The Council acknowledges that domestic abuse can affect an individual's work performance and that the Council as an employer has a responsibility for health, safety and welfare at work. It is the Council's policy that an employee who is experiencing, or has experienced domestic abuse, has the right to raise the issue with their employer in the knowledge that it will be treated in strict confidence and dealt with as sensitively and as effectively as possible.

Pendle 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 staff 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 to be aware of domestic abuse as a possible cause when staff are depressed, distracted, lacking in self-confidence or visibly injured. The Council therefore strives to create a working environment that promotes the view that everyone has the right to a life free from abuse in any form and that violence against people is unacceptable.

2. SCOPE

The Council has a responsibility for the welfare of employees and believes domestic abuse is not acceptable. The Council is committed to raising awareness of domestic abuse and providing guidance for managers and staff to address the issues and their effects in the workplace.

Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992), the Council recognises its legal responsibilities in promoting the welfare and safety of staff, including agency and contractor staff.

The Council will make assistance available to employees who are known to be victims of domestic abuse. This *may* include:

- a) confidential means for seeking help;
- b) resource and referral information;
- c) special considerations at the workplace for their safety;
- d) adjustments to working arrangements
- e) leave necessary to obtain medical, counselling or legal assistance

In responding to domestic abuse, the Council will maintain appropriate confidentiality and respect for the rights of the employee involved.

3. AIMS OF THE POLICY

The aims of this policy are to:

- Raise awareness of domestic abuse and its effects within the workplace.
- Ensure that all the Council's employees understand the important role they can play in tackling domestic abuse.
- Support those employees who are experiencing domestic abuse.
- Provide practical guidance for managers and colleagues supporting employees experiencing domestic abuse.
- Set out procedures for dealing with employees who are perpetrators of domestic abuse.
- Signpost to external support agencies for both victims and perpetrators of domestic abuse

4. POLICY CONTEXT

The Council strives to create a working environment which promotes the view that abuse of people is unacceptable and will not be condoned or made the subject of jokes or images.

Under the Council's Disciplinary Procedure, harassment, intimidation and violence (threatening behaviour or physical threats of violence, fighting or assault on another person on or off Council premises) is considered to be gross misconduct and may lead to dismissal from the organisation. Employees should also be aware that conduct outside of work could

lead to disciplinary action (including dismissal) because of its impact on the employment relationship and the negative impact it may have on the Council.

5. DEFINITION

The Governments definition of domestic abuse is:

“any incident or pattern of incidents of controlling, coercive, 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. The abuse can encompass, but is not limited to psychological, physical, sexual, financial, emotional.”

[Reference: www.lbbd.gov.uk/sites/default/files/attachments/6.3-Incidents-of-domestic-abuse-and-violence-2016.pdf]

This includes issues of concern to black and minority ethnic (BME) communities such as so-called 'honour killings'. Anyone can experience domestic abuse regardless of gender, race, ethnic or religious group, sexuality, disability or lifestyle

Domestic abuse is the abuse of power and control over one person by another. It can take many different forms, including physical, sexual, emotional/psychological, verbal and finance abuse. Domestic abuse includes, but is not limited to:

a) Physical abuse:

Slapping, pushing, kicking, stabbing, damage to property or items of sentimental value, female genital mutilation, attempted murder or murder, “honour” crimes, depriving a person of their basic needs

b) Sexual:

Any non-consensual sexual activity, including rape, sexual assault, coercive sexual activity, or refusing safer sex, prostitution/human trafficking

c) Restricting freedom:

Controlling whom you see or where you go, what you wear or what you do, monitoring time, monitoring a person via online tools, stalking, imprisonment, forced marriage

d) Emotional/psychological abuse:

Coercive control, intimidation, social isolation, verbal abuse, humiliation, constant criticism, enforced trivial routines, harassment (both in person and via social media)

e) Economic abuse:

Stealing, depriving or taking control of money, running up debts, withholding benefits books or bank cards

6. DUTIES, ROLES & RESPONSIBILITIES

Managers

Service Managers and Line Managers are responsible for ensuring they:-

- a. Are available and approachable to employees experiencing domestic abuse
- b. Listen, reassure and support individuals, making sure they take the needs of people with protected characteristics into account
- c. Keep information confidential (subject to the requirements of protecting children and vulnerable adults)
 - Any written record, including any agreed workplace adjustments, should be stored securely in accordance with HR policy.
 - Disclosures should not impact on the employee's work record, provided their performance is maintained as agreed.
 - Any decision to disclose without consent (if a colleague is at serious risk of injury or death) should be documented.
 - All incidents of abuse, threatening behaviour or breaches of security in the workplace should be recorded (copied to HR) and retained for evidence purposes if required. The record must be clear, accurate and include dates, times, locations and any witnesses. Any breaches of orders where known for example, non-molestation orders (i.e. an injunction) should also be noted.
- d. Respond in a sensitive and non-judgemental manner
- e. Discuss the specific steps that can be taken to help this person stay safe in the workplace
- f. Ensure the employee is aware of the options available to them
- g. Encourage the employee to seek the advice of other relevant agencies – see list of services in Appendix 2
- h. If there is concern for a vulnerable adult's safety, the manager should inform the employee that they are seeking further advice from the Council's Safeguarding Lead and/or Human Resources. The manager needs to ensure that steps are being taken to protect any dependent children. The Council's Safeguarding policies and procedures are available at: https://www.pendle.gov.uk/downloads/download/2944/safeguarding_policies

i. Involve Human Resources as appropriate in consultation with the individual or refer to the Employee Assistance Programme.

j. Engage in the Domestic Homicide Review (DHR) process, if required

Further advice and information for managers is available from the SafeLives knowledge hub. Managers can also call the Pendle Domestic Violence Initiative (anonymously if necessary). Contact details are shown in Appendix 2.

Human Resources

Human Resources will offer support and guidance in a sensitive and non-judgmental manner to employees who are subject to domestic abuse. In addition, HR will work with managers to discuss the specific steps that may be taken to assist an employee, explore available options and ensure all parties are aware of sources of support.

The Human Resource Department will engage in, and support managers who are engaged in, a Domestic Homicide Review (DHR) process, as requested.

All Staff

All staff should be aware of this policy and how the Council will support and respond to victims or concerns that an employee has been a perpetrator of abuse.

The National Domestic Violence Freephone Helpline (0808 2000 247) can give support, help and information over the telephone to anyone experiencing domestic abuse but also to family, friends, colleagues and others calling on their behalf. The helpline also offers translation facilities for callers whose first language is not English, and services for those who are hard of hearing or deaf. Staff are encouraged to use this helpline where they feel this is appropriate. There is also further information available on their website:

www.nationaldomesticviolencehelpline.org.uk

7. THE VICTIM: RECOGNISING THE PROBLEM AND RESPONDING TO IT

Should you have concerns about a colleague who might be the victim of domestic abuse, i.e. changes in behaviour, physical signs (Appendix 1) it is worth remembering that it can be difficult for employees to make a disclosure of domestic abuse, and your support is important:

- DO be sensitive / non-judgemental / practical / supportive / discreet

- DO prioritise safety over work efficiency
- DO allocate some private time and space to listen
- DO NOT seek proof of abuse
- DO NOT contact the abuser
- DO NOT compel a victim to accept support
- DO NOT adopt the role of being a support worker yourself
- If the employee or any colleagues are in immediate danger call 999
- All disclosures of domestic abuse and reported concerns should be treated as strictly confidential
- When responding to the employee, line managers should consider using their discretion, in line with existing policies on sensitive disclosures

If the employee is uncomfortable discussing the situation with their line manager, consider offering an appropriate point of contact, possibly of the same gender, to advise the employee directly on a confidential basis. This might be a colleague from Human Resources, a volunteer Mental Health First Aider or one of the Council's White Ribbon Ambassadors or Champions (see staff intranet). The contact could also advise the line manager on how to manage sensitive disclosures and proceed safely.

The recommended option for anyone experiencing domestic abuse is to be referred to specialist practitioners trained to assess risk and advise on safety. A list of organisation is provided in Appendix 2.

If you have concerns about the risk to any employee, you can confidentially seek advice from any of the organisations listed in Appendix 2 (without naming the employee experiencing domestic abuse).

Risk in domestic abuse situations is dynamic and can change very quickly. In a small number of cases victims might be at high risk of serious harm or murder from domestic abuse. Named disclosure without consent may be made in exceptional circumstances:

- If it is believed the employee and / or colleagues are at risk of serious injury or death
- If it is believed that there is a substantial risk of harm to any children involved in, or witnessing, the violence / abuse.

As with other welfare issues, identifying that an employee is experiencing difficulties at an early stage will lead to appropriate help being offered. This in turn could mean that the member of staff is able to deal with their situation far more effectively.

It is possible that a manager will become aware that an employee is experiencing domestic abuse through associated issues such as absence monitoring or poor performance. It is well recognised that victims find disclosure difficult, therefore it is less likely that the employee will approach their manager in the first instance, or that they will disclose to people at work about the abuse they are experiencing.

It is not the role of managers to advise anyone in this situation what to do about their relationship or to act as a counsellor, but rather to deal with practical issues that will allow them to stay in work, stay safe, not be penalised at work because of their domestic situation and to signpost them towards specialist sources of help (Appendix 2)

Right to Confidentiality

The Council respects an employee's right to confidentiality, and recognises that employees experiencing domestic abuse have the right to complete confidentiality. However, in circumstances of protecting children or vulnerable adults, social care services need to be involved. Complete confidentiality cannot be guaranteed in these situations. More information can be found in the Council's Safeguarding Policy: http://pendle-intranet/site/scripts/download_info.php?downloadID=299&fileID=2563

Right to Privacy

The Council respects an employee's right to privacy in the event they do not wish to inform the Council that they have experienced domestic abuse.

Right to Fair Treatment

The Council is aware that domestic abuse victims may have performance problems such as chronic absenteeism or lower productivity. When addressing performance and safety issues, the Council will make reasonable efforts to consider all aspects of the employee's situation and/or safety issues.

Absence options for employees experiencing domestic abuse.

The Council will make every effort to assist an employee experiencing domestic abuse. If an employee needs to be absent from work due to domestic abuse, the length of the absence will be determined by the individual's situation through collaboration with the employee and their Manager, in conjunction with the Human Resources Officer. Employees and managers are encouraged to first explore leave options that can be arranged to help the employee cope with the situation without having to take formal unpaid leave of absence.

Resources for those involved in domestic abuse

A list of contacts who provide information, support and assistance is provided at Appendix 2.

Information sharing and record keeping

If a manager receives a disclosure of domestic abuse from an employee who is a victim or perpetrator of domestic abuse, it is important that the manager keeps a confidential note of any discussions or action taken as this information may need to be shared at a future date. It may be advisable to seek HR advice at this stage.

Information may need to be shared for safeguarding reasons or shared with criminal justice agencies to prevent a future crime or incident taking place

Providing support for employees affected by domestic abuse

The Council is able to support employees involved in domestic abuse in a number of ways. These could include:

- Ensuring that all employees wear their ID badges at all times
- Where practical, ensuring access to buildings is only open to authorised employees and visitors
- Reminding all employees that they must not divulge information about other employees, especially personal details such as addresses, telephone numbers or work patterns
- Where reasonably practicable consider offering temporary or permanent changes in the workplace
- Consideration of work times and patterns, to ensure the employee is less at risk at work, and on their journeys to and from work. This could include changes to the office layout to ensure that the employee is not visible from reception points or from ground floor windows
- Consideration to support changes in travel, parking, transport routes to and from work
- Offering changes in specific duties, or in exceptional circumstances seeking another post if alternative arrangements cannot be easily found
- Agreeing a Safety at Work Plan. This may include whether to inform colleagues, how the Council should respond if the abuser calls at the workplace, if anyone needs a

description of the abuser and/or other relevant details, such as a car registration number

- Making sure that the systems for recording employee whereabouts during the day are adequate and, if work requires visits outside the work base, consideration of how risk can be minimised (e.g. changing duties or allowing other colleagues to accompany them on certain journeys)
- Considering requests for alternative working arrangements in accordance with the Flexible Working Policy.
- Considering paid or unpaid time off for employees who have disclosed they are experiencing domestic abuse in accordance with the Council's policies.
- If the employee requests to change their pay arrangements because their partner has access to their finances, or is applying financial pressure on them, then this should be arranged as a matter of priority and the arrangement confirmed
- Counselling via the Employee Assistance Programme
- Providing advice and information. (A list of contacts is available at Appendix 2 of this policy)

IF THE VICTIM AND PERPETRATOR WORK FOR THE SAME EMPLOYER

In cases where both the victim and perpetrator of domestic abuse work for Pendle Council, the Council will take appropriate action including: -

- Consider utilising different office locations, working hours, etc.
- 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 managers/line supervisors who are able to provide appropriate information to each party.

8. EMPLOYEES WHO ARE OR SUSPECTED TO BE PERPETRATORS OF DOMESTIC ABUSE

Employees are expected at all times to conduct themselves in a way that will not adversely reflect on the Council and its reputation. Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. Perpetrating domestic abuse whilst in the workplace may breach any Code of Conduct. If a

colleague is found to be 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.

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.

What to do if you suspect an employee is a perpetrator of domestic abuse

The Council recognises that perpetrators of domestic abuse may wish to seek help and support voluntarily. They will have access, when appropriate, to help and support in accordance with that laid out in this policy.

The Council will treat any disclosure or conviction of a domestic abuse related offence on a case by case basis with the aim of reducing risk and supporting change. Employees should be aware that domestic abuse is a serious matter which can lead to criminal convictions. It is a condition of employment that all employees of the Council observe a high standard of personal and professional conduct and employees adhere to the policies and procedures of the Council.

Inappropriate conduct outside of work, whether or not it leads to a criminal conviction, may lead to disciplinary action against an employee. The main consideration should be whether the action(s) adversely affect the employees suitability for his/her work, would be deemed unacceptable to colleagues or general public and/or discredits or could potentially discredit the name and reputation of the Council. In all cases managers are expected to carry out a reasonable investigation, in accordance with the Disciplinary Procedure to establish whether or not there is a case for taking such action.

The majority of domestic abuse incidents do not come to the attention of the police or other professionals. For the Council's policy to be effective, managers have a responsibility to be proactive. If a manager has concerns about an employee's behaviour with a partner or ex-partner, then they should be prepared to raise this (refer to clause 8.6 below).

The aim of the policy is to reduce risk and the Council has agencies that work with employees who are seeking help to address their behaviour. There may be a number of reasons why a manager would be concerned about an employee's behaviour towards a partner: they could be going through an acrimonious separation; be very angry and blaming; depressed; or seeming jealous or obsessive about their partner.

Managers need to develop a sensitive, pro-active and safety focused approach when dealing with employees who may be a risk to a partner. The Council provides training that supports

this policy which covers how to establish and conduct a discussion with an employee where there are concerns about their behaviour towards a partner.

The key principles are:

- Take the employee seriously and take time to listen to them
- Ensure that any discussion about the employee's situation takes place in private and that you respect their confidentiality as far as possible (see below for further guidance)
- Be respectful but do not collude with negative descriptions of their partner
- Be positive, it is possible for perpetrators of domestic abuse to change, if they recognise they have problem and seek help
- Consider a referral to Human Resources who will be able to signpost to external agencies and/or provide short term support via the Employee Assistance Programme.

There is further guidance on responding to domestic abuse on the Safe Lives website (www.safelives.org.uk) , or staff can contact the Council's Safeguarding Lead:

Sarah Astin-Wood 661782; sarah.astin-wood@pendle.gov.uk
Wayne Forrest 661044; wayne.forrest@pendle.gov.uk

or Human Resources.

A telephone helpline provided by Respect, for the perpetrators of domestic abuse who wish to address their behaviour is listed in Appendix 2.

Given the prevalence of domestic abuse, many workplaces will have employees who are at times a risk to their partner. Encouraging employees to recognise the signs of this and to ensure they know that the Council will be supportive of employees who are taking action to access help is important.

10. RAISING AWARENESS OF DOMESTIC ABUSE IN THE WORKPLACE

The Council will raise awareness of domestic abuse through the following measures:

- Publishing, maintaining and posting in locations of high visibility a list of resources for survivors and perpetrators of domestic abuse.
- Publicising and distributing information on the Council's Domestic Abuse Policy.

- As a White Ribbon* organisation we will encourage our employees to become White Ribbon Ambassadors and Champions.
- Participate in the annual 16 Days of Action Against Domestic Violence
- Participate in meetings of the Pendle Domestic Abuse Forum and share information as appropriate.

*White Ribbon, founded in 2005, is part of the global movement to end male violence against women, and works with men and boys to challenge those male cultures that lead to harassment, abuse and violence.

POLICY LINKS

- Code of Conduct for Employees
- Equal Opportunities Policy
- Safeguarding Policies
- Harassment & Bullying Procedure
- Policy & Procedure on Incidents
- Disciplinary Procedure

SIGNS THAT SOMEONE MIGHT BE EXPERIENCING DOMESTIC ABUSE:

(Some of these signs may reflect a range of sensitive issues)

Work productivity signs

- Change in the person's working patterns: for example, frequent absence, lateness or needing to leave work early
- Reduced quality and quantity of work: missing deadlines, a drop in usual performance standards
- Change in the use of the phone/email: for example, a large number of personal calls/texts, avoiding calls or a strong reaction to calls/texts/emails
- Spending an increased amount of hours at work for no reason

Changes in behaviour or demeanour

- Conduct out of character with previous employment history
- Changes in behaviour: for example, becoming very quiet, anxious, frightened, tearful, aggressive, distracted, depressed etc.
- Isolating themselves from colleagues
- Obsession with timekeeping
- Secretive regarding home life
- Worried about leaving children at home with abuser

Physical signs

- Visible bruising or single or repeated injury with unlikely explanations
- Change in the pattern or amount of make-up used
- Change in the manner or dress: for example, clothes that do not suit the climate which may be used to hide injuries
- Substance use/misuse
- Fatigue/sleep disorders

Other signs

- Partner or ex-partner stalking employee in or around the workplace
- Partner or ex-partner exerting unusual amount of control or demands over work schedule
- Flowers/gifts sent to employee for no apparent reason
- Isolation from family/friends

USEFUL CONTACTS

Pendle

Pendle Domestic Violence Initiative (PDVI)

Call [01282 726000](tel:01282726000) or email pdvi@p-a-c.org.uk

The Lookout (for children experiencing domestic abuse)

- Email the-lookout@p-a-c.org.uk
- Calling [01282 619192](tel:01282619192)
- Text [07543 646 959](tel:07543646959)

Samaritans – Pendle

[116 123](tel:116123) free from any phone

[01282 694929](tel:01282694929) local call charges apply

<https://www.samaritans.org/branches/pendle/>

Lancashire

Lancashire Victim Services

030 323 0085

National

National Domestic Violence Helpline

0808 2000 247

www.nationaldomesticviolencehelpline.org.uk

White Ribbon UK

www.whiteribbon.org.uk

01422 886545

Helping to end male violence against women

Women's Aid

Freephone 24 hr National Domestic Violence Helpline

0808 2000 247

<https://www.womensaid.org.uk>

Galop (for lesbian, gay, bisexual and transgender people)

0800 999 5428

www.galop.org.uk

Men's Advice Line

0808 801 0327

www.mensadvice.org.uk

Rape Crisis (England and Wales)

0808 802 9999

www.rapecrisis.org.uk

Forced Marriage Unit

0207 008 0151

SafeLives

General Enquiries: 0117 403 3220

REMEMBER: in an **emergency** call **999**

For Perpetrators:

Respect

Provides help and information for all those who wish to get help to address their abusive behaviour

Call: 0808 802 4040

www.respectphoneline.org.uk

<http://respect.uk.net/information-support/domestic-violence-perpetrators/>