

# Domestic Abuse Workplace Policy

Human Resources

**APPROVED BY**

Personnel  
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## 1. POLICY STATEMENT

The Council in its role as a provider of services and as an employer, has responded to the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 by producing its own Strategy entitled *“Neath Port Talbot Healthy Relationships for Stronger Communities 2016-2019”* which this Policy addresses.

The Council will endeavour to take all possible steps to help combat the reality of Gender based Violence and / or Domestic Abuse through prevention, protection and support for those employees affected by these issues.

Gender based Violence and Domestic Abuse is unacceptable and will not be tolerated either within or outside the workplace. The Council is committed to:

- Providing support, in a confidential, sensitive and non-judgemental manner to employees who experience domestic abuse/violence;
- Raising awareness of Domestic Abuse and Violence i.e. by the provision of training to staff e.g. face to face and e-learning;
- Taking appropriate action in relation to employees who are perpetrators of domestic abuse/violence.

## 2. SCOPE

This policy applies to all employees of the Council other than those staff employed by schools operating under fully delegated personnel powers.

## 3. OBJECTIVES OF THE DOMESTIC ABUSE/VIOLENCE POLICY

The Council has a responsibility for the welfare of its employees and as such recognises that Gender based violence and Domestic Abuse may be a workplace issue. The policy guidelines aim to:

- Support those employees experiencing Gender based violence and/or domestic abuse;
- Raise awareness of Gender based violence and Domestic Abuse and the implications for the services that the Council provides within the community and its effect within the workplace;
- Ensure that all Council employees understand the important role they can play in tackling Gender based violence and domestic abuse/violence and to develop a consistent approach across the Council e.g. by offering staff training under the Welsh Government *“Ask and Act”* Programme;
- Provide details on what the Council may be able to do if employees are perpetrators of Gender based violence or domestic abuse

## 4. DEFINITION OF DOMESTIC ABUSE

### 4. Definition of Domestic Abuse

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: psychological; physical; sexual; financial; emotional; manipulation; control.

**Family members are defined as** - mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

**Controlling behaviour** - is a range of acts designed to make the 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 control** - is an act or 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.” (Government press release 2012)

Examples of coercive and controlling behaviour might be: the destruction of property, isolation from friends, family or other potential sources of support, preventing or controlling access to money, personal items, food, transportation, the telephone, and also stalking. It can also include abuse inflicted on, witnessed by or threatened against children

It is recognised that the desire to exert power and control underpins the majority of domestic abuse.

Domestic abuse occurs in all social classes, cultures and age groups whatever the sexual orientation, mental or physical ability.

## 5. DOMESTIC ABUSE/VIOLENCE – A WORKPLACE ISSUE

As one in four women and one in six men, will experience domestic abuse at some point in their life, it is likely that all workplaces have staff that have or are experiencing domestic abuse as well as those who are perpetrators of abuse.

Once domestic abuse has started it often becomes more frequent and more violent. On average a victim of domestic abuse/violence is assaulted 35 times before they report the matter to the police and 62% of children living with domestic abuse are directly harmed by the perpetrator of the abuse, in addition to the harm caused by witnessing the abuse of others. Research shows that 75% of those experiencing domestic abuse are targeted at work, ranging from receiving harassing phone calls to abusive partners turning up at the workplace unannounced and causing physical assault. On average high-risk victims live with domestic abuse for 2-3 years before getting help.

Domestic abuse can decrease productivity, and create difficulties from unplanned time off, lost wages and sick pay (in Wales the cost of Domestic Abuse is estimated to be £100.9 million in respect of lost economic output and £202.6 million in service costs).

## 6. LEGAL CONTEXT

The Council has a duty of care to ensure its workers work in a safe environment where risks to health and well being are considered and dealt with effectively.

It is a requirement of the Violence against Women, Domestic abuse and Sexual Violence (Wales) Act 2015 that all devolved public sector employers have a work place policy for Violence Against Women, Domestic Abuse and Sexual Violence. In preparation of this Policy the Council acknowledges key legislation relevant to violence at work which include:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Reporting of injuries, Diseases and Dangerous Occurrences Regulations 1995.
- Health and Safety (Consultation with Employees) Regulations 1996.
- Violence Against Women, Domestic Abuse and Sexual Violence (Wales) 2015 Act Well-Being of Future Generations (Wales) Act 2015
- Social Services and Wellbeing (Wales) Act 2014
- Equality Act (2010)

## 7. CONFIDENTIALITY

Any information obtained in relation to domestic abuse will be treated in the utmost confidence, as the consequences of breaching confidentiality can be severe for the person concerned.

In most cases, the manager will agree with the employee what (if anything) to share with colleagues (on a need to know basis only) and/or Occupational Health (see Guidance). It is only in very limited circumstances that information might have to be shared with others including:

- a) Where others (e.g. service users, customers or colleagues) could be put at risk or there is a high risk of serious harm to the employee;
- b) Where child or vulnerable adult protection issues arise, for instance if an employee gives information that suggests that their child or another child or a vulnerable adult is at risk from abuse (whether physical, emotional, sexual or neglect).

In these circumstances, the employee should be informed that advice (where appropriate, without disclosing the identity of the person) will be sought from the relevant agencies, e.g. Social Services Child Protection, which may result in a disclosure being made.

If it becomes necessary to make colleagues aware of potential risks, the employee should be made aware of what they will be told and that they will be warned that such information is confidential, with unauthorised breaches being subject to disciplinary action.

## 8. SUPPORT AVAILABLE TO EMPLOYEES

It is important to promote the understanding that everyone has the right to a life free from abuse in any form. Gender based Violence and Domestic Abuse is wholly unacceptable and inexcusable behaviour, and responsibility for Gender based Violence and domestic abuse/violence lies with the perpetrator.

The Council will:

- Ensure that information on this policy and support available is incorporated into the induction given to all new employees;
- Provide information to existing employees via staff/ team meetings and the intranet;
- Provide appropriate training to all employees e.g. e-learning/face to face Violence Against Women and Domestic Abuse and Sexual Violence training;
- Promote awareness raising and publicise contact details of support services/organisations via leaflets and holding corporate "Awareness Days".

The Council would encourage any employee experiencing Gender based Violence and domestic abuse to inform their line manager as soon as possible. If an employee does not feel able to speak to their line manager, he/she can contact:

- Human Resources Officer
- Trade Union Representative
- Occupational Health Advisor
- Live Fear Free Helpline 0808 80 10 800
- Domestic Abuse One Stop Shop, Victoria Gardens, Neath, Tel: 01639 622350

If an employee does not wish to speak to their line manager, he/she should be advised of the difficulties that may arise if the Manager is not aware of the relevant facts and circumstances (for example if there is a potential health and safety issue or if other action is being taken on capability or absence management).

The role of the person contacted by the employee will be to:

- Be available and approachable for those employees experiencing Gender based Violence and domestic abuse;
- Believe, listen and support individuals;
- Keep any information confidential (subject to the requirements of child and vulnerable adult protection – see Section 7 Confidentiality);
- Respond in a sensitive, non-judgemental manner;
- Ensure that the employee is aware of the options available to them and remains in control of the situation;
- Encourage the employee to seek the advice of other relevant agencies.

## **8.1 Leave and time off work**

### **Safe Leave**

As outlined in our Special Leave Policy, up to 5 days paid safe leave is available to employees experiencing gender based violence or domestic abuse for reasons including but not limited to:

- Seeking Safe Housing
- Visiting legal advisors or support agencies for re-housing, to make alternative childcare arrangements, including meetings with schools, or other relevant appointments.

The Special Leave Scheme and the Flexi-Time scheme also have provisions to allow additional or alternative leave, at the discretion of the appropriate manager (in exceptional circumstances this may be granted on full pay by the relevant Head of Service) in conjunction with HR, in cases of domestic difficulties. Managers should look sympathetically at requests for reasonable time off within these arrangements for employees who have disclosed that they are experiencing domestic abuse/violence.

Managers may receive requests for time off work from employees who are experiencing Gender based violence or domestic abuse /violence to arrange appointments during the normal working day, these requests should be treated sympathetically in accordance with the Councils' Policies. Such appointments might include:

- Attending Medical Appointments and Counselling
- Attending Legal Proceedings or receive legal advice
- To make alternative childcare arrangements, including meetings with schools.

Managers should also explore other measures supportively such as a temporary negotiated change in hours/times of work, where requested by employees experiencing Gender based violence or domestic abuse/violence (relevant schemes to consider: Rehabilitation Scheme, Reduced Hours Working, Flexible working, Term Time Working, Compressed Hours, Parental leave, Annual leave, Additional Annual Leave Purchase Scheme, Career Break, Emergency Time off for Dependants, unpaid leave).

## **8.2 Financial Issues**

Employees leaving an abusive partner may face considerable financial hardship or have concerns in respect of finding suitable accommodation for themselves and their family. The Council has a mechanism of support in place which includes free advice and support from the Welfare Rights Unit and also the Housing Benefit /Council Tax Benefits Sections.

If an employee discloses that their abuser has access to their finances or is exerting

economic pressure upon them, the relevant HR officer should be approached regarding the possibility of temporarily changing the way they are paid e.g. paid by cheque whilst a new bank account is being opened.

### **8.3 Health Effects**

Employees experiencing gender based violence or domestic abuse may be more vulnerable to stress at work and managers should refer to the corporate procedure Managing Stress in the Workplace. Also if appropriate, and with the employee consent, refer the employee to the Occupational Health Advisor.

## **9. ENSURING SAFETY**

The responsibilities of employers, employees and others for the Health and Safety of Persons at Work are defined by the Health and Safety at Work Act 1974. The Council has developed guidance for managers to deal with incidents where an employee is verbally abused or, threatened or physically assaulted in the course of their duties.

The strategies outlined in the Corporate Health & Safety Dealing with Violence and Aggression at Work Policy will apply to most situations of abuse in the workplace. However, managers may have to consider additional factors if these incidents involve Gender based violence or domestic abuse/violence. These incidents may involve violent partners or ex-partners visiting the workplace, abusive phone calls, or intimidation or harassment of an employee by the alleged perpetrator.

Managers may have to ensure that any safety measures taken into account are operationally appropriate. However, ensuring that employees are safe should be of primary consideration throughout this process and employees should not be made to feel guilty in respect of any adjustments being implemented.

**See further guidance in Appendix A.**

### **9.1 Signs of Domestic Abuse/Violence**

Managers may become aware of a potential Domestic Abuse/Violence situation through absence management monitoring or poor performance – see examples of signs in **Appendix A**.

However, the signs of an employee experiencing Domestic Abuse /violence can vary.

As with other personnel issues, identifying that an employee may be experiencing difficulties at an early stage can help ensure appropriate support is provided and also assist the employee to deal with their situation more effectively.

## **10. EMPLOYEES AS A PERPETRATOR OF DOMESTIC ABUSE/VIOLENCE**

Abusive and violent behaviour is the responsibility of the perpetrator. Employees should be aware that misconduct inside or outside of work (whether or not it leads to a criminal conviction) is viewed seriously – and can lead to disciplinary action.

Further information is provided in Section 12 of the Council's Employee Code of Conduct and is set out below:-

All employees must declare any criminal offence for which they have been charged or prosecuted to their Head of Service, that is either reportable to their professional body or standards body, or which could either:-

- ❖ Bring the Council into disrepute, or
- ❖ Result in them being unable to undertake the role for which they are employed, or
- ❖ May result in a prison sentence

Upon receipt of this information, the Head of Service will review the impact of this information upon the contract of employment with a view to giving consideration as to what support, if appropriate or necessary, might be provided to the employee and whether the declaration requires further investigation to establish if there is a potential disciplinary issue. Where an issue may be potentially gross misconduct, a risk assessment must be undertaken to establish whether the employee should be suspended.

Failure to declare or accurately declare relevant offences will result in disciplinary action.

Employees should be aware that domestic abuse/violence can lead to a criminal conviction.

Gender based violence or Domestic abuse/violence could result in certain job duties becoming inappropriate or untenable and therefore giving justification for dismissal or redeployment e.g. it would be inappropriate for a perpetrator of domestic abuse/violence to provide services to children or vulnerable adults.

Similarly, proven harassment and intimidation of Council employees by a partner or ex-partner who is also employed by the council will be viewed seriously and may lead to disciplinary action.

However, it may also be appropriate to support an employee who is seeking help to address their behaviour. Respect, [www.respect.uk.net](http://www.respect.uk.net), telephone number 0808 802 4040 offers a support service for perpetrators of domestic abuse.

If any of these circumstances are brought to a manager's attention, advice should be sought from Human Resources in the first instance.

## APPENDIX A

### Information Guide for Managers/Workers

#### 1. Initial Approach

Managers need to develop a sensitive and non-judgemental approach when dealing with employees who have experienced domestic abuse/violence. This should include:

- Taking time to listen to the employee and believing what is said by the employee;
- Ensuring that any discussion about the employee's situation takes place in privacy and their confidentiality is respected as far as possible (see section 7 confidentiality);
- Understanding that the employee may not wish to approach their line manager, and may prefer to involve a third party such as a work colleague, hr officer, occupational health advisor, or a trade union representative;
- Awareness that there may be additional issues faced by the employee because of their age, gender, sexuality, ethnic background or disability etc.;
- Being non-judgemental - research has shown that it can take a long time and be extremely difficult to break free of an abusive relationship. It should not be assumed therefore that because an individual returns or stays in an abusive relationship that the abuse was not severe or did not take place;
- Allowing time for the employee to explore options and make decisions;
- Offering, but not imposing, practical support as set out below.

The manager may wish to discuss the situation, without disclosing the name of the person, with the **Live Fear Free Helpline 0808 80 10 800**, or contact a HR Officer for advice.

## 2. Ensuring Safety

- improving security measures e.g. ensuring that access to buildings are open to authorised staff only;
- Reception/switchboard staff do not divulge information about employees, especially personal details such as home addresses, telephone numbers or times of work;
- Offering permanent or temporary changes in work locations, times and patterns of work, helping to make the employee less at risk at work and on their journey to and from work. This could include change to the office layout to ensure that the employee is not visible from reception points or ground floor windows;
- Offering changes in specific duties, e.g. answering phones or working in reception area, or in exceptional circumstances, redeployment to another post if alternative arrangements are not feasible;
- Agreeing what to tell work colleagues and how they should respond if the abuser phones or calls into the workplace;
- Ensuring that the systems for recording employees whereabouts during the day are adequate and if their work requires visits outside the office, consider how risks can be minimised (e.g. changing duties or allowing another colleague to accompany them on certain journeys);
- Recording any incidents of abuse in the workplace, including persistent phone calls, e-mails, or visits to an employee by their abuser via the Council's Potentially Violent People (PVP) System in line with the Councils Corporate Health & Safety Potentially Violent Persons Procedure. Details of any witnesses to these incidents should also be noted. The record must be clear, accurate and include date(s), time(s) location(s) and details of any witnesses. Records must be factual not opinion based. Must be held securely and in accordance with the Data Protection Act. They should be held separately from official employee records. These records could be used if the employee wants to press charges or apply for an injunction against the alleged perpetrator. The employer could also apply for an injunction if the actions of an alleged perpetrator impinge on the health and safety of employees.

Review the employee`s next of kin information (the ex-partner may still be listed or the abuser may still be the partner of the victim)

Do not make contact with the perpetrator and never attempt to mediate between an employee and a perpetrator of violence/abuse nor suggest to them that they access professional mediation services (if a perpetrator becomes aware that someone knows about the abuse and/or violence it could compromise the employee`s safety or make a difficult situation even worse.)

### **3. Signs of Domestic Abuse/Violence**

- Lateness or high absenteeism without sufficient explanation;
- Uncharacteristic depression, anxiety, distraction or problems with concentration;
- Changes in the quality of work performance for no apparent reason;
- Obsession with time, avoiding lunch breaks or socialising outside work;
- Partner exerts control; employee dropped off and picked up, unable to do business trips;
- Reluctance to turn mobile off;
- Inappropriate or excessive clothing;
- Repeated injuries, unexpected bruising or explanations that do not fit the injuries displayed;
- Increased hours being worked and/or leave not taken for no apparent reason;
- Excessive make-up to disguise bruising or “crying eyes”.

#### **4. Legal Context**

The following legislation is also relevant with those listed on page 6 of this policy:

- Human Rights Act 2000 – all public bodies have an obligation to protect against the violation of human rights. Violence against women, domestic abuse and sexual violence denies women and girls the most fundamental human rights (Articles 2 & 8)
- Equality Act 2010 – under the public sector duty, the Council is committed to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity for protected groups; and foster good relations
- Protection from Harassment Act 1997 makes harassment a criminal offence

## **APPENDIX B**

### **Contact Details of Support Services /Organisations**

#### **POLICE**

Emergencies	999
Police non emergency	101
South Wales Police Domestic Abuse Unit (NPT/Swansea)	01792 456999

#### **SUPPORT AND INFORMATION SERVICES**

Live Fear Free Helpline	0808 80 10 800 <a href="http://www.livefearfree.gov.wales">www.livefearfree.gov.wales</a>
Thrive Women's Aid Port Talbot	<a href="http://www.thrivewomensaid.org.uk">www.thrivewomensaid.org.uk</a> 01639 894864
Welsh Women's Aid	<a href="http://www.welshwomensaid.org.uk">www.welshwomensaid.org.uk</a>
Domestic Abuse One Stop Shop (Victoria Gardens Neath)	01639 622350
Calan DVS Domestic Violence Services	01639 633580
Hafan Cymru(Charitable Housing association)	01639 642338
Independent Domestic Violence Advisor	01639 889113
Dyn Project (for men experiencing domestic violence and abuse)	0808 801 0321 <a href="http://www.dynwales.org">www.dynwales.org</a>
BAWSO, <a href="http://www.bawso.org.uk">www.bawso.org.uk</a>	01792 642003
Minority Ethnic Women's Network	01792 467722

Galop - UK's only Lesbian, Gay, Bi-Sexual and TransGender Domestic Abuse Helpline	0800 999 5428
Victim Support	01639 639179 0845 3030 900
Respect (help for perpetrators) <a href="http://www.respect.uk.net">www.respect.uk.net</a>	0808 802 4040
Citizens Advice Bureau	0844 4772020
National Stalking Helpline	0808 802 0300 <a href="http://www.stalkinghelpline.org">www.stalkinghelpline.org</a>

### **NEATH PORT TALBOT C.B.C CONTACTS.**

#### Social Services

Child Protection	01639 686803
Emergency Duty Officer	01639 895455
Vulnerable Adults	01639 683021
Welfare Rights Unit	01639 685225
Housing Options and Advice	01639 685219
Out of hours homelessness	01639 686868
Housing benefit and council tax benefit	01639 686838 01639 763454
Domestic Abuse Policy Officer	01639 686285

#### Trade Union Contact Details

Unison	01639 763820 <a href="mailto:unison@npt.gov.uk">unison@npt.gov.uk</a>
GMB	01639 763822 <a href="mailto:gmb@npt.gov.uk">gmb@npt.gov.uk</a>
Unite the Union	01792 472410