

Domestic Abuse and the Workplace

Updated – 24 September 2018

Review Date - 24 September 2019

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Policy Statement

Tendring District Council is committed to providing practical and emotional support for any of its employees who experience domestic abuse. Our aim is to ensure all employees know that help is available if domestic abuse is an issue for them. Also, those managers are aware of the support the Council and other organisations can give to employees. The Council will;

- Provide support to managers and employees to create a safe environment where an employee subject to domestic abuse feels able to ask for help
- Ensure an employee is aware of external contact numbers in particular where they can access 24 hour support (Appendix A)
- Ensure the Council has dedicated employees who are appropriately trained for helping those who are suffering from domestic abuse
- Ensure this support is widely advertised within the Council and updated on a regular basis so that employees know who to contact for support.
<https://www.safercommunitiestendring.co.uk/>
- Provide details of other support agencies for employees who are faced with issues resulting from domestic abuse
- Take account of the different needs and experiences employees may have
- Support employees who are perpetrators of domestic abuse, or use existing policies if required
- Review and update regularly (at least annually) relevant policies and procedures that are linked to this Policy.

The Council recognises that domestic abuse is an issue that can affect us all and we all have a responsibility to help to create a working environment that is safe and caring. It is important to recognise that for some the workplace can be a safe haven and a route to safety.

Domestic abuse cuts across race, gender, sexuality, age, class and geography. However, the majority of perpetrators are men and the majority of those who experience domestic abuse are women although it also occurs against men in heterosexual relationships. It can happen in same-sex relationships, against lesbian, gay, bisexual or transgender people.

1. Introduction

Domestic abuse is an issue that can follow individuals to work and affects a number of employees every day. The Council is committed to creating a workplace environment in which employees feel comfortable discussing domestic abuse and seeking assistance for their concerns and issues. The Council regards the common view that 'domestic abuse is a private matter and has nothing to do with me, I shouldn't get involved', overlooks the highly damaging effects that domestic abuse can have in the workplace and not just on the immediate employee. The costs in terms of staff morale, productivity, absenteeism, employee relations and the Council's standing in the community are considerable.

Unfortunately, one of the factors which make it difficult to address domestic abuse is its hidden nature. Research shows that fellow employees often know what is happening in their colleague's lives as they will talk to them about the abuse they are suffering. Often, the problem for managers is that they are often not aware there is an issue and when they are, what to do with this information.

Colleagues may also be affected, as perpetrators may follow them to or from work, or they may be subject to questioning about the employee's contact details or work location. They may also have to 'cover' for them, try to fend off the perpetrators and may fear for their own safety. However, in other instances, colleagues may not be aware of the abuse or not know how to help.

2. Definition of Domestic Abuse

The definition of 'domestic abuse' adopted by the Home Office will be adopted by the Council.

The cross-government 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

Controlling behaviour

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

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 is not a legal definition.

Definition of domestic abuse: guide for local areas

To help local areas consider the extension to the definition of domestic abuse may impact on their services, the Home Office, in partnership with Against Violence and Abuse (AVA) has produced [a guide for local areas](#).

A guide for Wales is currently being developed and will be published in due course.

Forced marriage

Read [information and practice guidelines](#) for professionals protecting, advising and supporting victims of forced marriage.

Three steps to escaping domestic abuse

Read the leaflet the Home Office developed with Southall Black Sisters at women in black and minority ethnic communities: [Three steps to escaping domestic violence](#).

3. Guidance for dealing with Domestic Abuse

3.1 Raising Staff Awareness

The Council believes our employees have the right to a life free from abuse, that domestic abuse is wholly unacceptable and inexcusable behaviour and that responsibility for this kind of abuse lies with the perpetrator. The Council will therefore take the following measures;

- Ensure that information about our Domestic Abuse Policy and the support we can provide to employees is known by managers and our employees.
- Provide training to managers and other relevant employees on the Policy and the implications of domestic abuse in the workplace
- Provide an internal 'Champion' for guidance when dealing with employees who require assistance.
- Publish the Champions details on the intranet for all employees

The Council encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. Managers should ensure employees are made aware of the existence of this Policy.

3.2 Equipping managers to identify and respond appropriately

While managers must be ready to respond to direct requests for help from employees, or to incidents of domestic abuse, it is more likely that the manager will become aware of the situation through absence monitoring or poor work performance. Identifying employee difficulties at an early stage can ensure that appropriate help is provided and enable the employee to deal with their situation effectively. If the manager has suspicions that domestic abuse is the cause of lateness, increases in sickness absence or poor performance they should ask appropriate questions in a sensitive way. If it is the case managers should undertake a risk assessment and consider making appropriate workplace adjustments which could include reviewing working hours, start and finish times, setting alternative absence targets etc. In addition counselling through the Council's Independent Counsellor or Occupational Health could be offered.

It is important to note that the role of the manager, HR, or 'Champion' is not to deal with the abuse itself or to solve the problem but to make it clear through this policy that employees will be supported and outline/signpost what help is available. See Safer Communities webpage: www.safercommunitiestending.co.uk

Managers should appreciate how difficult it may be for an employee to discuss their personal circumstances and should always offer support in a non-judgemental fashion. It should also be remembered that, very often, signs of abuse will not be visible and that an individual may leave their abusive environment only to return again sometime in the future.

Where a manager suspects that an employee is experiencing domestic abuse, they should contact either the 'Champion' or HR for advice before any discussion takes place with the employee.

3.3 General Approach

The Council will support managers to develop a sensitive and non-judgmental approach when dealing with employees experiencing domestic abuse. This will include;

- Ensuring that any discussion about their situation takes place in private and that confidentiality is respected as far as possible
- Taking time to listen seriously to what the employee says and wants
- Considering referring the employee to the Council's Occupational Health provider or counselling via HR
- Understanding that the employee may not wish to approach their line manager but may prefer to involve a third party such as a colleague, the Corporate Director Operational Services, the Safer Communities Manager (referred to as the Council's 'Champion'), someone from HR, or a trade union representative
- Advising, without pressurising an employee who does not wish to speak to their line manager of the difficulties that may arise if their manager is not aware of the relevant facts and circumstances, for instance, if there is a potential health and safety issue or if other action is being taken on performance or absence monitoring
- Being aware that the employee may need time to decide what to do and may try many different options during this process. 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 to, or stays, in an abusive relationship, that the abuse was not severe or did not take place. Those subject to domestic abuse may suffer serious assault and abuse many times before reporting it to police or any other organisation.
- Being aware of what support is available and exploring options with the employee. A list of agencies can be found in Appendix A, however, if the employee does not want this the manager should respect this choice
- Making a file note of all conversations, meetings and incidents
- Not asking for proof of abuse, contacting the (alleged) perpetrator, or forcing the employee to accept support
- Calling 999, if the employee or any colleagues are in immediate danger.

3.4 Confidentiality

Information given about domestic abuse is confidential and unauthorised breaches of confidentiality could lead to disciplinary action being taken. This is because a breach of confidentiality could carry serious risks for the employee experiencing domestic abuse. Statistics have shown that the risk of more serious assault, permanent injury and even murder, rises significantly when they decide to leave home and for some years after they leave.

It is important for managers not to underestimate the danger or assume that the fear of abuse is exaggerated.

The exception to the confidentiality rule is when an employee provides information that suggests that their child, another child or vulnerable adult is at risk from physical/emotional/sexual abuse or neglect. In these cases the Council will be required to seek further advice from the relevant Safeguarding agencies and may have to pass these details on and should advise them that complete confidentiality cannot be guaranteed. In these circumstances guidance can be obtained from the Safer Communities Manager 'Champion'.

Any written record, including the risk assessment or any agreed workplace adjustments, will be held outside of the employee's personnel file. A separate file will be held securely by HR.

All incidents of violence, threatening behaviour or breaches in workplace security, should be recorded and retained for evidence purposes, if required. The record will be clear, accurate and include dates, times, locations and any witnesses. Any breaches of orders, e.g., non-molestation orders should also be noted.

3.5 Ensuring the employee's safety

The Council's responsibilities for the safety of its employees are defined by the Health and Safety at Work, etc. Act 1974. Managers may be required to consider appropriate actions to deal with abusive phone calls, emails or harassment at work. If domestic abuse is disclosed the line manager should complete a risk assessment to understand the potential risks to the employee and their colleagues. As part of the risk assessment the manager should consider the following;

- Arranging what to tell colleagues and how they should respond if the perpetrator rings or calls at Council workplaces. This will be done in consultation with the employee and their agreement to ensure that confidentiality is respected.
- Making sure that the systems for recording the employee's whereabouts during the day are adequate and if the work requires visits outside the office, considering changing duties or allowing another colleague to accompany the employee on certain journeys
- Recording persistent phone calls, emails or visits to an employee by the perpetrator
- Recording witnesses to these incidents in case the employee wishes to press charges or apply for an injunction if the actions of an alleged perpetrator impinge on the safety of employees

Managers will have to take into account whether the above measures are operationally appropriate. However, ensuring that the employee is safe will be the primary consideration throughout.

3.6 Adjusting working conditions

Managers should consider requests for time off through flexi or annual leave at short notice for employees who have disclosed that they are experiencing domestic abuse.

Employees may also have flexi or annual leave agreed at short notice to attend hearings as a witness in either the civil or criminal courts if they have been called under a subpoena or witness summons. Additionally, if there are circumstances where an employee is attending court and is seeking an injunction or other order in cases of violence or harassment, time-off should be considered under existing HR Policies (for paid time off).

Managers should record absences or applications for such leave in the normal way. However, where these relate to domestic abuse, these records should be placed in a sealed envelope within the employee's file and marked 'For Manager's Access Only.'

This might include requests to arrange appointments during normal working hours;

- With support agencies such as social services or counsellors
- About re-housing
- With solicitors
- About alternative childcare arrangements, including meetings with schools

- For medical appointments

Managers should also explore other measures, such as a temporary change to their working hours, working off site perhaps at home or another location.

3.7 Specialist Housing Advice

Managers and employees can approach the Housing Team for further advice regarding housing issues. In any event, employees can have easy and quick access to a senior manager within the Housing Team to discuss their housing situation and ways that the Council can help in the provision of housing (if appropriate) and/or signpost elsewhere for other housing advice and support. It is more likely that general advice will be provided for employees living outside the district.

3.8 Support for Managers

The Council acknowledges that Domestic Abuse is a very emotive issue and can have a significant impact in the workplace. It is also a very sensitive and difficult subject to deal with and can put managers under considerable pressure in dealing with an employee and their safety. The following support is available for managers to use;

- Advice and guidance on the Policy is available from HR
- Specific support from the 'Champion' and external agencies can be provided
- More general support from senior managers and HR is easily accessible
- Access to an external, confidential counselling service.

4 Perpetrators

Domestic abuse perpetrated by employees will not be condoned under any circumstances by the Council, nor will it be treated as a purely private matter. The Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

The Council will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case by case basis with the aim of reducing risk and supporting change.

An employee cautioned or convicted of a criminal offence may be subject to one of the Council's existing policies. The Council also reserves the right to consider the use of its existing policies should an employee's activities outside of work have an impact on their ability to perform their role and/or be considered to bring the Council into disrepute.

If an employee discloses their abusive behaviour to the Council they will be provided with information about the services and support available to them and they will be encouraged to seek support and help from an appropriate source.

The Council views the use of violent and abusive behaviour by an employee, wherever this occurs, as a breach of the Code of Conduct for disciplinary purposes. Where appropriate, action will be taken to minimise the potential for perpetrators to use their position or work resources to find out details or the whereabouts of their partners. This may include a change of duties or withdrawing access to certain computer databases.

Support and Contact Details

Leanne Thornton
Safer Communities Manager

Paul Price
Corporate Director,
Operational Services

Anastasia Simpson
Head of People,
Performance and Projects

External Agencies

National Women's Aid
24hr free helpline 0808 2000 247

Galop) <https://www.galop.org.uk/galop-to-run-national-lgbt-domestic-violence-helpline/>

Asylum Aid
(asylum seekers and
refugees) 0207 354 9264 (Advice
Line)
0207 354 9631 (General
Enquiries)

www.asylumaid.org.uk

Colchester and Tendring
Refuge and Outreach
Support 01206 500 585

www.colchester-refuge.org.uk

Women's Aid 0800 200 0247

www.womensaid.org.uk

The Men's Advice Line 0808 801 0327

www.mensadvice.org.uk

Mankind Initiative 01823 334 244

www.mankind.org.uk

<https://www.refuge.org.uk/get-help-now/help-for-men/i-am-being-abused/>

Centre for Action on Rape
and Abuse (CARA) 01206 367 881

www.caraessex.org.uk

National Association for
people abused in
Childhood 0808 801 0331

www.napac.org.uk

Citizens Advice Bureau

www.citizensadvice.org.uk

Samaritans

08457 909 090

www.samaritains.org.uk

Essex Social Care
Children & Adults

0845 6037 634
0845 6061 212

www.essex.gov.uk
(out of hours)

A website for children and
young people who are
experiencing domestic
abuse

www.thehideout.org.uk

Childline

0800 1111

www.childline.org

NSPCC

0808 800 5000

www.nspcc.org.uk