

# Domestic Abuse Policy

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## **1.0 Policy Statement**

- 1.1 City of Wolverhampton Council (the Council) recognises its employees will be amongst those affected by domestic abuse either as: a survivor of domestic abuse, an individual who is currently living with domestic abuse, someone who has been impacted by a domestic abuse homicide or as an individual who perpetrates domestic abuse
- 1.2 This domestic abuse policy seeks to work to mitigate the risks related to domestic abuse, by creating a safer workplace and to send out a strong message that domestic abuse is unacceptable. Whilst further recognising that domestic abuse is an equalities issue, details can be found in the corresponding guidance.
- 1.3 The Council actively works in partnership and contributes to initiatives and activities designed to raise awareness of the extent and effect of domestic abuse and the rights of all individuals and families to live free from abuse, intimidation and violence.
- 1.4 The policy is written in conjunction with the Council's Joint Unions and is part of a suite of policies on Employee Health and Wellbeing which can be found on the Human Resources intranet site.

## **2.0 Scope**

- 2.1 This policy applies to survivors of domestic abuse and/or violence, current victims of domestic abuse, secondary victims of domestic abuse (homicide) and perpetrators of domestic abuse. It applies to employees including senior managers. School based employees are normally covered by Grey Book policies as adopted by the schools governing board. However, where there is no Grey book policy covering such matter, Schools may choose to adopt this policy or follow its principles.

The principles of this policy will also apply to contractors and consultants working on behalf of the Council.

## **3.0 Principles**

The Council is committed to the following principles, which underpin this policy:

- 3.1 Tackling domestic abuse through both its role as an employer and as partner in the Wolverhampton Domestic Violence Forum.
- 3.2 Promoting the understanding that everyone has the right to a life free from abuse in any form. The Council will strive to create a working environment that promotes the view that domestic abuse is wholly unacceptable and will not be condoned.
- 3.3 Expecting all employees and managers to ensure that this policy is implemented effectively – by providing guidance on ways of dealing with incidents of domestic abuse along with advice for HR, Occupational Health and

Trade Union representatives when conducting meetings with employees who have experienced domestic abuse.

3.4 The Council will ensure that this policy is applied in respect of any partnership, joint or multi-agency working. The Council will seek to ensure that the partners are made aware of this requirement, along with any other HR policy requirements, at the commencement of any partnership agreement as within The Wolverhampton Tackling Interpersonal Violence & Abuse Strategy.

#### **4.0 Definition of domestic violence and abuse**

4.1 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

4.2 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.

4.3 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.”

4.4 This 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.

4.5 It is important to note this is the current statutory definition, however the Domestic Abuse Bill which is due to be implemented in April 2021 will contain a new statutory definition of domestic abuse. The policy will be updated to reflect this once the Bill has gained royal assent and the statutory definition is finalised.

#### **5.0 The prevalence of domestic abuse**

5.1 Domestic abuse knows no boundaries of culture, race, class, age, gender, sexual orientation, disability or religious belief. Domestic abuse can occur between partners, ex-partners or family members and can include the abuse of parents or adult children.

Some examples include:

- People who live with their partner.
- People who don't live with their partner.
- Married and unmarried people.
- Children and parents.
- Women and men.
- Younger and older people.
- Heterosexual, gay, lesbian, bisexual and transgendered people.
- People with disabilities.
- People from any culture or social group.

5.2 Domestic abuse is often more wide ranging than verbal or physical; below are examples, some of which may not be widely known. This list is not exhaustive, but provides an indication of some variances:

- Financial abuse - involves controlling a victim's ability to acquire, use, and maintain financial resources
- Online or digital abuse – sharing information or photos without consent, monitoring of social media use, abuse via online channels etc
- Coercive control and 'gaslighting' - psychological abuse where a person or group makes someone question their sanity, perception of reality, or memories
- Forced Marriage - A forced marriage is where one that both people do not (or in some cases cannot) consent to the marriage, and pressure or abuse is used.
- 'Honour' based violence - is a crime or incident, which has or may have been committed to protect or defend the 'honour' of the family and/or community.
- Female Genital Mutilation - FGM is the partial or total removal of external female genitalia for non-medical reasons. It's also known as female circumcision, cutting or sunna.

5.3 In the majority of cases, the abuser is a man and the abused is a woman, though it is acknowledged that this is not always the case, national research indicates that one in three women and one in six men will experience domestic abuse in their lives. Every week at least two people are killed by a violent partner/ex-partner or a family member. Domestic abuse accounts for almost one quarter of all reported violent crimes ([www.refuge.org.uk](http://www.refuge.org.uk)).

5.4 In the UK, in any one year more than 20% of employed women take time off work because of domestic abuse and 2% lose their jobs as a direct result of abuse. Domestic abuse affects employers by impacting on the productivity and financial strength of organisations. The Council has a legal responsibility to ensure the health and safety and welfare of its employees.

## **6.0 Objectives of this policy**

6.1 Provide managers with guidance in aiding employees sympathetically and appropriately when they are seeking assistance to address the issues of domestic abuse.

6.2 Assist and support employees asking for help in addressing domestic abuse and abuse issues and ensure that all employees who are experiencing domestic abuse and perpetrators of domestic abuse are aware of the policy and its implications.

6.3 Recognise that the perpetrators may want help to change their behaviour and to signpost these employees to seek support;

- Recognise the impact on health and welfare of those experiencing or living in emotional stress or have suffered/experienced severe injury and even death.
- Respond sensitively, sympathetically and confidentially to all disclosures.
- Ensure that those employees seeking assistance are confident their situation will be handled sympathetically and confidentially.
- Guide managers to give prompt effective assistance to find the appropriate support needed by individuals to address issues. Help to remove the fears of coming forward for assistance from employees who are suffering.
- Commit to developing a workplace culture with zero tolerance for abuse which recognises that the responsibility for domestic abuse lies with the perpetrator.
- Respond to employees experiencing domestic abuse to support organisations. If there are concerns that an employee is a perpetrator of domestic abuse signpost them to seek support to help change their behaviour. (A list of organisations is available in the supporting managers guide).
- Increasing awareness by identifying and promoting appropriate awareness on domestic abuse and abuse for managers, supervisors, HR, front line employees and trade union representatives. The domestic abuse policy will also be included in learning and development interventions as appropriate (e.g. Induction Packages and training interventions relating to management competencies).

## **7.0 The Council's commitment to employees**

7.1 The Council will undertake the following:

- Make every effort to provide a safe working environment for all employees.
- Provide information to all employees on domestic abuse and the support available and signpost employees to specialist services available.

- Offer a range of options to employees seeking assistance; advice and appropriate support.
- Seek to provide a supportive work environment, in order to encourage those who have experienced domestic abuse and speak out.
- Promote awareness of the policy to all managers and employees.
- Respect and uphold the employees right to confidentiality.
- Offer access to flexible working policies, where appropriate.
- Support perpetrators who are our employees in seeking assistance to change their behaviour.
- Appropriate action under Council policies if perpetrators are employed by the Council.
- Make links and embed these principles in Council policies.
- Undertake regular monitoring and reviews.

## **8.0 Support and guidance**

8.1 Information and guidance on help and support services is available from a range of agencies, including the police, local refuges, and helplines. Which is available and accessible via the Councils Intranet. Support can also be requested from Occupational Health, Health and Safety and HR Advice, for employees experiencing domestic abuse to ensure their health and safety and performance at work are maintained.

8.2 Accessing assistance can be accessed via several different methods including being able to speak to who they want, when they want, if they need to i.e. at the appropriate time for them. Individuals can be offered support from their manager, HR, Occupational Health, work colleagues or trade union representative and the Employee Assistance Programme (EAP), contacts are available via the intranet.

8.3 Employees will be supported internally or externally about the difficulties they are experiencing. The appropriate person or agency will be sourced to provide expert advice and support including the offer of counselling service via the EAP.

8.4 A number of Health and Safety policies and HR policies support Employee Wellbeing aiming to ensure a safe working environment. A list of the other policies that support this policy are listed below.

8.5 A safe working environment is achieved by minimising the risk to the employees safety whilst at work. Support can be considered with work schedule adjustments, work relocation, avoidance of lone working and appropriate risk assessments if required.

8.6 Confidentiality will be maintained, and the Council will not involve other agencies or divulge information without the consent of the individual employee. However, there may be circumstances that include Child Protection or Protection of Vulnerable Adults from Abuse and the appropriate service may need to be involved. In these circumstances complete confidentiality cannot be guaranteed.

- 8.7 Managers will be expected to deal with cases of domestic abuse by incorporating the needs of the employee along with current procedures and the needs of the service the individual is providing. HR can support managers to implement this policy and assist with further advice and guidance on an individual basis. Managers will ensure that employees can access the Council's flexible working policies and other policies to assist with work-life balance. Requests for temporary or permanent relocation or redeployment should be treated sympathetically, in conjunction with the needs of the service.
- 8.8 Employees who encounter domestic abuse will be allowed to attend relevant appointments as negotiated with their manager and in accordance with policies on leave.
- 8.9 Where specialist support is required in relation to housing and tenancy agreements, police and other agencies will assist with civil injunctions or reporting matters to the police. Managers should empower the employee to disclose and make appropriate choices. Any concerns about housing and tenancy arrangements and perpetrators will be referred to and dealt with via Wolverhampton Homes.

## **9.0 Perpetrators of domestic abuse**

- 9.1 If an employee is alleged to have perpetrated domestic abuse or intimidated, harassed or victimised a partner or ex-partner during work time, or if they are found to have used the Council's premises and/or equipment including emails and telephone to track or harass an employee then appropriate action may be taken against them using the appropriate Council policies and procedures e.g. Disciplinary Procedure.
- 9.2 Domestic abuse is a serious issue which can lead to criminal convictions and if an employee is convicted of perpetrating domestic abuse certain job duties may be inappropriate and therefore a risk assessment would need to be carried out, as is normal Council practice when considering criminal convictions.
- 9.3 In addition, the Council has a Code of Conduct which outlines the standard behaviour it expects from employees at all times. Employees should be aware that their conduct outside of work, including committing acts of domestic abuse, could lead to disciplinary action being taken because of the impact on the employment relationship and the reputation of the Council.

Refer to managers guidelines for more detailed advice or contact HR Advice.

## **10.0 Assistance for perpetrators**

- 10.1 If an employee approaches the Council concerned about their own abusive behaviour, they will be encouraged to seek support and help from an appropriate source. Any allegation or disclosure will be treated on a case by case basis, with the aim of reducing risk and supporting change.

## **11.0 Roles and Responsibilities**

### **11.1 Employees are required to:**

- Understand the policy and procedure and support mechanisms available

### **11.2 Managers are required to:**

- Implement the policy equitably and consistently across all employees.
- Ensure that they understand the policy and procedure, and support employees and colleagues
- Ensure that the steps taken by management before, during and after any report of domestic abuse comply with the requirements outlined in the managers guidance notes
- Take responsibility for holding confidential meetings when victims or perpetrators make a disclosure of abuse or being an abuser and maintain the confidentiality at all times
- Take responsibility for signposting employees to support mechanisms and raising concerns with individuals when any signs of domestic abuse may be suspected

### **11.3 Human Resources are required to:**

- Provide support and guidance to employees and managers relating to this policy and guide.
- Ensure the communication, maintenance, review and updating of this policy.
- Monitor and review the HR effectiveness of this policy.

### **11.5 The Deputy Director of People and Change's role is to:**

In consultation with the recognised Trade Unions, the Deputy Director of People and Change will exercise delegated authority for and be responsible for the ongoing review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before Cabinet Resources Panel for approval.

## **12.0 Making appropriate links to other Council policies**

12.1 The Council will ensure that the appropriate links are made with any other relevant Council policies or procedures and seek to ensure that any employee who has experienced domestic abuse suffers no detriment.

12.2 Employees with a period of sickness absence as a result of domestic abuse will still be subject to the Management of Attendance procedure. However, any absences that can be attributed to domestic abuse may be considered for exemption. Managers in this situation should seek further advice from HR.

12.3 In cases of alleged misconduct or capability etc. due consideration will be given to any declared incidents of domestic abuse as mitigation. Again, managers in this situation should refer to the guidance and seek further advice from HR.

- Capability
- Disciplinary
- Grievance
- Leave Policy
- Lone Working Policy
- Management of Health and Safety
- Management of Attendance

### **13.0 Monitoring and review**

13.1 This policy will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and any changes to legislation and Government guidance.

### **14.0 Equality and diversity**

14.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Further advice and guidance on managing reports of domestic abuse linked to protected characteristics including disability is included in the managers' guidance notes which can be found on the HR intranet site.

14.2 In developing this policy we have undertaken an Equality Impact Assessment. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly.

14.3 As part of the Council's policy engagement process, this policy was taken to our Equality forums for review.