

**NORTH LINCOLNSHIRE COUNCIL**

**GOVERNANCE AND TRANSFORMATION CABINET MEMBER**

**DOMESTIC VIOLENCE AND ABUSE POLICY**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To outline and seek approval for the council's updated Domestic Violence and Abuse policy.

**2. BACKGROUND INFORMATION**

2.1 The council has been supporting the 'White Ribbon Campaign UK'. This is part of an international campaign by men to rid society of violence and abuse against women in all its forms. The campaign encourages men to pledge never to commit violence against women, never to excuse violence against women, and never to remain silent about violence against women.

2.2 Supporting this campaign links to our local priority of 'support' by safeguarding and protecting the vulnerable. The council is working towards achieving the 'White Ribbon Town Award'. This award recognises councils who have demonstrated their commitment to the aims of the White Ribbon Campaign by:

- Addressing and altering social norms that lead to violent behaviour against women.
- Involving men in prevention activities.
- Increasing awareness of the issue.
- Providing services aimed at reducing the incidence of domestic abuse.
- Mobilising the local community under the goal of ending violence against women.

2.3 Working in conjunction with the council's Domestic Abuse Strategy Manager, a number of amendments to our existing policy have been proposed. These are:

- Including the expanded Home Office definition of domestic violence which includes stalking, honour based violence, female genital mutilation and forced marriage.

- Making clear that as this policy forms part of the council's employment manual it only applies to employees of the council.
- Providing managers with guidance and examples of open, non-judgemental questions to enable them to facilitate a conversation with an employee if they have reason to believe that the employee is experiencing domestic abuse.
- Signposts are provided to the council's confidential welfare service and Domestic Abuse Strategy Manager.
- It is now explicit that confidentiality will only be broken where a high risk case has been identified through a formal risk assessment.
- Greater detail has been added regarding situations where employees may be perpetrators of domestic violence and/or abuse.

### **3. OPTIONS FOR CONSIDERATION**

3.1 To approve the revised policy.

3.2 To reject the proposed changes.

3.3 To recommend amendments to the policy.

### **4. ANALYSIS OF OPTIONS**

4.1 Accepting the revised policy will support and protect employees experiencing domestic violence and/or abuse and help to reduce its incidence within our community. It will also support the council in its ambition to achieve the White Ribbon Town Award. The revised policy also links to the council's 'support' priority, which is to 'safeguard and protect the vulnerable'.

4.2 Rejecting the revised policy would leave an outdated and less supportive policy in place for employees.

4.3 Recommending further changes to the policy would require further consultation and delay implementation.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 There are no resource implications.

### **6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

6.1 An integrated impact assessment has considered the diversity implications of these revisions (see attached).

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 The trade unions have been consulted and are in agreement with the changes and supportive of the policy.

8. **RECOMMENDATIONS**

8.1 That the revised policy be approved and implemented.

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**Background Papers used in the preparation of this report: None**

### 1.0 Introduction

1.1 North Lincolnshire Council recognises that domestic violence and abuse is a widespread problem that may affect our employees. We are committed to promoting the understanding that everyone has the right to live free of abuse and that violence in any form is unacceptable and will not be tolerated or ignored.

1.2 The Home Office defines domestic violence and abuse as 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 (see Note 1 below) regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

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 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 definition includes stalking and 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.

*Note 1: Family members are defined as, mother, father, son, daughter, brother, sister and grandparents whether directly related, in laws or step family.*

- 1.3 Every employee who is experiencing or has experienced domestic violence/abuse can raise this issue, with the knowledge that the council will treat the matter sensitively, confidentially and within agreed protocols and procedures. This includes those employees who may not be the victim or the perpetrator of domestic violence/abuse but also those employees who may be witness to it.
- 1.4 The council will offer assistance and information to those employees who disclose they are experiencing domestic violence or abuse and where their welfare and safety is under threat we will take all reasonable and appropriate steps to provide a safe and supportive workplace.

*Note 2: Any complaint regarding the conduct of a councillor will be dealt with through the council's Standards Committee. Legal and Democratic Services should be contacted in this instance.*

## **2.0 Aims**

- 2.1 The council is committed to addressing the issue of domestic violence and abuse for our employees. The aim of this policy is to provide a framework to ensure that those who experience and disclose domestic violence or abuse receive an effective, reliable and co-ordinated service that places the safety of survivors and children at the centre of interventions.
- 2.2 This policy will work with other departmental policies and multi-agency services to ensure that pathways for the disclosure of domestic violence/abuse and on-going support are available to those affected by it. It will also underpin identification and early intervention to prevent escalation and stop abuse happening.
- 2.3 Identifying abuse and/or violence at an early stage can be an effective measure in preventing an escalation in severity and frequency, and can assist to ensure appropriate and timely support is provided. Taking a responsive and enabling

approach is fundamental to encourage those employees who are experiencing violence, threats, intimidation and other abuse to disclose.

- 2.4 By giving employees the opportunity to make any disclosures we aim to reduce the recurrence of and prevent incidences of domestic violence and abuse happening. This is to improve the safety and welfare of both adults and children who are affected, by offering early support and signposting to relevant local services.

### 3.0 Procedure

#### Guidance for managers and employees

- 3.1 All managers must be prepared to respond to direct requests for help from employees and be aware that domestic violence and abuse does not only happen in the home and an incident could be perpetrated in the workplace.
- 3.2 Managers may become aware that an employee is experiencing domestic violence and abuse through associated issues such as monitoring absences or where performance is affected. It is less likely that the employee will approach their manager with their problems in the first instance and in all cases once the problem has been identified managers should be ready to ensure appropriate help and support is provided and monitor the situation sensitively for any signs of escalation. Managers should take a non-judgmental approach and be prepared to:
- Listen, reassure and take seriously what is being disclosed;
  - be non-judgmental and respect that the employee may need time to decide what to do;
  - respond in a sensitive and supportive way and ensure the employee is provided with up-to-date information and is aware of all the options open to them (local support agencies are detailed at <http://www.saferneighbourhoods.net/domestic-abuse/>);
  - actively support the employee by using the Domestic Abuse, Stalking and Honour based violence (DASH) risk assessment and safety planning tools

(available via the website above) to choose an appropriate safe option and respect their right to self-determination;

- ensure that the employee's safety and well-being is prioritised;
- ensure all discussions take place in private and are kept confidential in all but the most exceptional circumstances (for instance where child protection issues arise or where there are clear indications that the circumstances disclosed are of a high risk nature and the risk of death or serious harm is imminent);

*Note 3: The Home Office define 'serious harm' as harm which is life threatening or traumatic and from which recovery, whether physical or psychological, can be expected to be difficult or impossible.*

- Be aware that the employee may need time off work to make personal arrangements and seek specialist advice, consider the use of annual leave or flexible working arrangements. Use of the Special Leave policy may be considered, advice and guidance will be available from Human Resources (HR);
- be aware that there may be additional issues faced by an employee because of their disability, age, gender, sexual orientation, ethnicity, religious belief, gender reassignment status, pregnancy or marital status;
- do not assume that because the employee returns to or remains in the abusive relationship that they want or deserve the violence and/or abuse, or that it does not take place. The council recognises that leaving an abusive relationship can be an ongoing process rather than a single event. Statistics have shown that the risk of more serious assaults or murder taking place increases significantly when the person decides to leave the relationship. It is important not to underestimate the danger or assume that the fear of violence is exaggerated.

3.3 If a manager has reason to believe that an employee is experiencing domestic violence and/or abuse then they should facilitate a conversation to discuss and implement the appropriate support. They should use indirect and open questions to help establish a relationship and develop empathy. Some examples of questions are below:

- How are you doing at the moment?

- I have noticed recently that you are not yourself, how can I best support you?
- How are things at home at the moment?
- Are there any issues you would like to discuss with me?
- You've had some recent sickness absence/under performance at work, if there are any problems or underlying reasons that may be contributing to this how can I best help you?
- What support do you think might help?
- What would you like to happen?

3.4 Managers should remind employees that the council's Confidential Staff Welfare and Counselling Service is available for employees and can be contacted on 01724 297147.

3.5 Both employees and managers can also contact the council's Domestic Abuse Strategy Manager for advice and support at any point.

#### **4.0 Confidentiality**

4.1 It is recognised that the manager may not be the person approached for advice or help and in some cases another manager, colleague or trade union representative may be involved. Once the employee has disclosed that they are experiencing domestic violence and/or abuse, they should be reassured that this will be kept confidential unless paragraphs 4.2 or 4.3 applies. Managers and employees need to be aware that disclosing information can significantly increase the risk to the employee.

4.2 The exception is an employee identified as being high risk via the risk assessment. Under these circumstances there is a need to refer to a senior manager within the team and to the Multi Agency Risk Assessment Conference (MARAC). In these circumstances where the council has to breach confidentiality, it will discuss with the employee why it is doing so and it will seek the employee's agreement where possible. Support will be provided via the MARAC. More information about MARAC can be found at

<http://www.northlincs.gov.uk/community-advice-and-support/crime-community-safety/multi-agency-risk-assessment-conference-marac/#>

4.3 If an employee gives information which suggests that their child or another child is at risk from abuse (whether physical, emotional, sexual or neglect) and the manager is not satisfied that appropriate steps are being taken to protect these children, then the manager must make a referral to the Children's Services Duty Team and inform the employee of their concerns and action. This also applies where information is shared regarding vulnerable adults. Contact information for the Children's Services Duty Team and the Access and Adult Protection Team are available on the council's website. The procedure at paragraph 4.2 above applies before any breach in confidentiality takes place.

## **5.0 Safety at work**

5.1 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 etc. Act 1974. In addition the council has developed guidance that deals with incidents when an employee is verbally abused, threatened or physically assaulted in the course of their duties. Copies can be found on Intralinc.

5.2 Domestic violence or incidents of abuse may be perpetrated in the workplace by violent partners or ex-partners. The employee may be subjected to attempted violence, threats, intimidation, abusive phone calls and other forms of harassment whilst at work. In some cases the police will need to be involved

5.3 There are a number of measures that could be taken to improve the safety of the employee at their workplace or where their duties may take them outside the workplace. Where domestic violence or abuse is disclosed, managers should complete a safety plan to reduce the risk and increase the safety of the victim and the wider team. Managers will have to consider which measures are operationally appropriate based on individual circumstances. This may involve other colleagues taking precautions and/or the involvement of senior managers, which may raise the issue of confidentiality. Any proposed measures or actions

should be agreed as part of a safety plan with the employee. Additional measures could include:

- Improving building security – changing security numbers, restricting access to authorised personnel only;
- ensuring reception and other employees are aware they should not divulge any information or personal details about employees or give information about an employee's whereabouts;
- agreeing how colleagues should respond if the abuser visits or telephones the workplace;
- offering an alternative workplace, work times, work patterns, parking facilities or changes in specific duties and considering the provision of safety measures where an employee works alone or in isolated areas;
- assisting the employee to vary their route to and from work;
- recording any threatening or violent incidents in the workplace including visits, abusive/persistent phone calls, e-mails and other forms of harassment. These records could be used in police proceedings or if an employee wants to apply for a court order.

5.4 If an employee is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones, email or fax machines then they will be seen as having committed a disciplinary offence. If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken.

5.5 It is also important to consider the safety of work colleagues and customers if the alleged person who harms has access to the employee at work. Colleagues may potentially become involved as a result of an assault on the employee and the manager should reduce the risk and increase the safety of all employees and factor this into any safety planning.

5.6 All records concerning domestic violence/abuse (e.g. risk assessments, safety plans, absence records) will be kept strictly confidential.

### **6.0 Employees who are domestic violence/abuse perpetrators**

- 6.1 Employees should be aware that domestic violence and abuse is a serious matter and it will not be condoned by North Lincolnshire Council in any circumstances. Employees should be aware that perpetrating domestic violence can lead to criminal convictions and they should be informed that misconduct outside work, whether or not it leads to a criminal conviction is considered to be a breach of the Code of Conduct and might also lead to disciplinary action at work.
- 6.2 Employees should be aware that allegations against employees who work with children, regarding the perpetration of domestic violence and abuse will be referred to the LADO and may become subject to Local Safeguarding Children Board (LSCB) procedures.
- 6.3 Proven harassment and intimidation of any employee by their partner or ex-partner, who is also an employee, will be taken seriously and may lead to disciplinary action being taken.
- 6.4 In addition to considering disciplinary action against the employee who is perpetrating the abuse, action may need to be taken to ensure that the victim/survivor and perpetrator do not come into contact in the workplace. Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim/survivor.
- 6.5 The redeployment of one or both employees or withdrawing the perpetrator's access to certain computer programmes or offices may be considered. However, it is also recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship may seek solutions by way of a family response and in such situations appropriate support should be given.

- 6.6 While employees may suffer domestic abuse and/or violence it is also likely that some will be perpetrators of it. The council will signpost to local and national agencies for anyone seeking to address their behaviour. There is information and advice for people who are abusive towards their partners or ex partners at <http://www.respect.uk.net> or telephone them direct on 0808 8024040.
- 6.7 Domestic abuse perpetrated by employees will not be condoned under any circumstances 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.
- 6.8 If an employee approaches the council about their abusive behaviour, the manager will provide information about the services and support available to them, and will encourage the perpetrator to seek support and help from an appropriate source.

## **7.0 Diversity**

- 7.1 The council's commitment to challenging discrimination and advancing equality of opportunity means ensuring our services are sensitive and responsive to the needs of all our customer groups. Victims of domestic violence and abuse from diverse backgrounds, including disabled people with specific needs as a result of mental health problems, physical and/or invisible impairments and/or learning disabilities will more likely have additional difficulties and barriers in accessing services and asking for help than non disabled people.
- 7.2 Individuals and their children from minority ethnic and other communities, who are suffering domestic violence and/or abuse, may need specific services. Cultural differences must be valued, but must not be used to prevent effective intervention and support for those experiencing domestic violence and abuse.

### **8.0 Training and Employee Development**

8.1 All employees will be made aware of this policy through a range of methods including, training, leaflets and posters in communal areas. Training will be made available to all employees to raise awareness of domestic violence and abuse as well as how to help those experiencing domestic violence and/or abuse.

8.2. The Council is committed to ensuring all managers are aware of domestic violence and abuse and its implications in the workplace. There is an elearning course available via the council's elearning platform. This is available for all employees.

The elearning package assists employees to:

- Identify if an employee is experiencing difficulties because of domestic abuse;
- respond to disclosure in a sensitive and non judgemental manner;
- provide initial support – be clear about available workplace support including in-house specialist staff where applicable;
- discuss how the organisation can contribute to safety and crisis planning;
- signpost to other organisations and sources of support; and
- understand that they are not counsellors.

8.3 Support is available for managers from the council's Domestic Abuse Strategy Manager and Human Resources.

### **9.0 Monitoring and Review**

9.1 This policy will be reviewed jointly by the council and the trade unions where there are changes in legislation, best practice or other policies impact on its effectiveness.