

NORTH LINCOLNSHIRE COUNCIL

POLICY AND RESOURCES CABINET MEMBER

DOMESTIC VIOLENCE POLICY

1. OBJECT AND KEY POINTS IN THIS REPORT

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

2. BACKGROUND INFORMATION

- 2.1 The council's Domestic Violence policy was first introduced in 2007 to address the issue of domestic violence and provide a framework of support to those employees and/or customers who experience and disclose domestic violence.
- 2.2 The Home Office recently announced that it is revising its definition of domestic violence to take account of those aged 16 and 17 years old and to include coercive control and controlling behaviour.
- 2.3 This change is effective from March 2013. The council's policy has been revised in line with the amendments.

3. OPTIONS FOR CONSIDERATION

- 3.1 To approve the revised policy.
- 3.2 To reject the revised policy.
- 3.3 To recommend amendments to the revised policy.

4. ANALYSIS OF OPTIONS

- 4.1 Accepting the revisions will ensure that the policy complies with the new statutory definition.
- 4.2 Rejecting the policy would result in a lack of compliance.
- 4.3 Recommending further changes to the policy would require further consultation and delay implementation.

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

5.1 Financial

None.

5.2 Staffing

None.

5.3 Property

None.

5.4 IT

None.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 An integrated impact assessment has considered the diversity implications of these revisions.

7. OUTCOMES OF CONSULTATION

7.1 The trade unions have been consulted and are in agreement with the proposals.

8. RECOMMENDATIONS

8.1 That the revised policy be approved and adopted.

ASSISTANT DIRECTOR HUMAN RESOURCES

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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 is a widespread problem that may affect our employees as well as our customers. 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 Domestic violence is 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

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.

1.2. Every employee who is experiencing or has experienced domestic violence can raise this issue, with the knowledge that we will treat the matter sensitively, confidentially and within agreed protocols and procedures.

- 1.3. We will offer assistance and information to those employees who disclose they are experiencing domestic violence and where their welfare and safety is under threat we will take all reasonable and appropriate steps to provide a safe and supportive workplace.

2.0 AIMS

- 2.1 The council is committed to addressing the issue of domestic violence for our customers and employees. The aim of this policy is to provide a framework to ensure that those customers and employees who experience and disclose domestic violence 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 progression and on-going support are available to those recovering from the effects of domestic abuse. It will also underpin identification and early intervention to prevent escalation and stop abuse happening.

3.0 PROCEDURE

Guidance for managers and employees

- 3.1 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 time 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.
- 3.2 All managers must be prepared to respond to direct requests for help from employees and be aware that domestic violence does not only happen in the home and an incident could be carried over to the workplace. Managers may become aware of a domestic violence situation through monitoring absences or where performance is affected. 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;
- 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;
- actively support the employee by using risk assessment and safety planning 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
- be aware that the employee may need time off work to make personal arrangements and seek specialist advice;
- be aware that there may be additional issues faced by an employee because of their age, gender, sexuality, ethnic background or disability.

Confidentiality

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

3.4 The exception is where children or vulnerable adults may be at risk, or where the employee is identified as being high risk. Under these circumstances there is a need to refer to the appropriate senior manager, the Local Authority Designated Officer (LADO) and/or a Multi Agency Risk Assessment Conference (MARAC). This must be explained to the employee who may require additional support.

Safety at work

3.5 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. 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.

3.6 Domestic violence incidents may be carried over to 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.

3.7 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. 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 or changes in specific duties;
- 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.

Employees who are domestic violence perpetrators

3.8 Employees should be aware that domestic violence is a serious matter that can lead to criminal convictions. They should be informed that misconduct outside

work, whether or not it leads to a criminal conviction, might also lead to disciplinary action at work.

- 3.9 Employees should be aware that allegations against employees who work with children, regarding the perpetration of Domestic Violence will be referred to the LADO and may become subject to Local Safeguarding Children Board (LSCB) procedures.
- 3.10 Victims may in certain circumstances fail to protect their own children from the effects of domestic violence due to their belief that they can manage their relationship with the perpetrator – without it affecting the children.
- 3.11 In such circumstances, employees who are the victims of domestic violence and whose own children continue to be exposed to domestic violence due to their failure to take preventative or safeguarding measures will also be considered under the same procedures.
- 3.12 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.

4.0 DIVERSITY

- 4.1 The council's commitment to challenging discrimination and creating equality of opportunity means ensuring our services are sensitive and responsive to the needs of all our customer groups. Victims of domestic violence from diverse backgrounds, those with special needs, mental health problems, physical and learning disabilities may have additional difficulties and barriers in accessing and asking for help.
- 4.2 Individuals and their children from minority ethnic and other communities, who are suffering domestic abuse, may need specific services. Cultural differences must be valued, but must not be used to prevent effective intervention and support for those experiencing violence and abuse.

5.0 TRAINING AND EMPLOYEE DEVELOPMENT

- 5.1 Training will be provided to raise employees' awareness of domestic violence and abuse as well as how to help those experiencing domestic violence make safety and crisis plans.

- 5.2 The training will be an ongoing rolling programme to ensure all employees are involved and are kept regularly updated.