

Domestic Abuse Policy

This document is available in Welsh

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Supporting Documentation:

Further supporting bilingual documentation has been developed by the Practice Development Manager. Links to these documents are provided below:

Integrated Care Pathway for Domestic Abuse in Wrexham
Frequently Asked Questions

1. Purpose

Domestic Abuse is best described as 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.

Domestic abuse is a serious social and criminal problem that accounts for almost a quarter of all violent crime and has significant human and financial consequences for individuals, families, communities and society as a whole. The impact of domestic abuse can range from loss of esteem to loss of life. This policy sets out guidance for Managers and employees on how to deal with these issues.

Wrexham County Borough Council is committed to opposing domestic abuse because:

Employees (both men and women) may be victims of domestic abuse. There were a total of 1,198,094 domestic abuse-related incidents and crimes⁴ recorded by the police in England and Wales in the year ending March 2018.

- At least 10% of Wrexham County Borough Council employees are likely to be victims or survivors of domestic abuse every year (based on national statistics). In the year ending March 2018, an estimated 2.0 million adults aged 16 to 59 years experienced domestic abuse in the last year (1.3 million women, 695,000 men) and 75% of domestic abuse victims are targeted at work. Every year, domestic abuse costs the UK economy £3.2billion. References are taken from the Office of National Statistics, England and Wales.
- Research shows that domestic abuse may impact on productivity and performance. 56% of abused women arrive late for work at least five times a month. 28% leave early at least five days a month. 53% miss between three and five days of work a month. References are taken from The Equality & Human Rights Commission. Domestic Abuse is your Business; Guidance for Developing a Workplace Policy.
- A domestic abuse policy provides guidance and support. Training and provision of information will allow staff to fully understand domestic abuse.
- Taking action works. Taking action will be a good investment to retain skilled and experienced staff. Staff will feel safe and

supported – increasing their commitment to Wrexham County Borough Council as an employer. Taking action can reduce sickness absence, save money and save lives.

- Domestic abuse has particular relevance for Wrexham County Borough Council's ability to deliver its services and places an increased demand on those services. Incidents of domestic abuse can occur in the workplace and specifically affect the work of an employee.

2. Scope

The Domestic Abuse Policy applies to all Wrexham County Borough Council employees appointed under the terms and conditions agreed with:

- The National Joint Council for Local Government Services;
- The Joint Negotiating Committee for Local Authority Craft and Associated Employees;
- Other employees not subject to a separate procedure.

This policy does not apply to employees appointed by a School Governing Body in respect of whom the "procedure" is determined by the relevant Governing Body.

3. Principles

The Domestic Abuse Policy aims to provide guidance for employees who are experiencing domestic abuse and for Managers and colleagues to support employees who are experiencing domestic abuse.

- Wrexham County Borough Council does not condone any forms of domestic abuse as acceptable.
- Any employee who is experiencing or has experienced domestic abuse has the right to raise the issue with their employer in the knowledge that we will treat the matter effectively, sympathetically and confidentially.
- The policy sign posts the support and procedures which will ensure that victims of domestic abuse feel safe and supported at work and provides information on associated polices and support mechanisms that may assist employees and managers.
- The policy represents a wider commitment of the Council to participate in a coordinated multi agency approach to tackling domestic abuse and reduce the negative impact on local communities.
- The policy sets out how Wrexham County Borough Council works to Improve arrangements to promote awareness of, and prevent, protect

and support victims of gender-based violence, domestic abuse and sexual violence

A full review of the Policy will take place every three years.

The Chief Officer Governance and Customer will review the policy and procedure periodically to make any amendment(s) necessary to reflect any changing legal requirements or make minor alterations.

4. Procedure

4.1 Recognising the signs of domestic abuse.

Managers should consider any changes in an employee's behaviour and work performance as well as other signs or indicators that an employee may be a victim of domestic abuse. The following may be identified by a manager:

- The employee may confide in their colleagues
- The employee may inform their manager that a colleague is suffering from domestic abuse
- There may be obvious effects of physical abuse (it is important not to make assumptions).
- An employee may minimise injuries (for example bruising with dubious explanation)
- Issues relating to domestic abuse may come to light as a result of performance management or a significant change in behaviour.
- An employee experiencing domestic abuse may lack concentration at work and find it difficult to cope.
- As a result of managing attendance, domestic abuse may reveal itself as the background to poor attendance or unexplained absence.
- As a result of more general management observations, domestic abuse may also be the reason for presenteeism – where victims prefer to be at work and work long hours and are reluctant to take holidays.

Wrexham County Borough Council will also respect employees' right to privacy. Whilst the Council strongly encourages victims of domestic abuse to disclose, for the safety of themselves and others in the work place, it does not force them to share this information if they do not want to.

4.2 Management considerations

A manager who becomes aware of the possibility of a domestic abuse situation, without a disclosure but through general management practices, should raise their concerns through the appropriate

mechanism with the employee. The appropriate Policy may be utilised such as Managing Attendance, Capability or Disciplinary or through one to one supervision with the employee. Where possible the issues should be first raised through the lowest most informal level, unless an issue has arisen that demands a more formal approach. If dealing with the matter through an informal approach the manager should:

- Find a private space to discuss concerns and ensure there are no interruptions
- Identify and clarify the issue as it is being demonstrated in the workplace and the affect this is having on the employee and their ability to undertake their job
- Be understanding, ask for an explanation, and reasons from the employee without forcing them to disclose personal details
- If there are concerns that abuse may be occurring, the Manager should sensitively explain the Occupational Health Service provision and refer for support and guidance.

Whether or not domestic abuse is disclosed at this time, the manager should liaise with their Human Resources Officer regarding any formal process to ensure that due process is followed and all avenues of support are offered.

An employee coping with domestic abuse may need time off work to make personal arrangements, seek specialist advice or access the criminal justice system. Managers are advised to consider a flexible approach. The Time Off Work Policy or Work life Balance Framework may provide options for the manager and employee to discuss, which may support the employee to work more flexibly or attend meetings/appointments to gain external advice and support.

4.3 Supporting employees

No proof of violence is needed for the Manager to take action, and a statement from the employee is enough for them to be given support and information on protection and help. Matters relating to domestic abuse can be very complicated and as such Managers will not be in a position to give specific advice. An understanding approach is generally what is required.

The manager should take a non judgemental approach when asked for support by an employee and ensure the employee is aware of the Domestic Abuse Policy and the Councils commitment to implementing good practice procedures to support its implementation:

- Listen, reassure and take seriously what is being disclosed and respond in a sensitive, non-judgmental and supportive manner
- Ensure the employee is aware of the framework for support that is available within the Council and appropriate and up to date information is readily available.

- Actively support the employee by ensuring that they are aware of the options that may be open to them while respecting their right to self-determination
- Encourage safe choices, which may include offering to assist with arranging crisis / safety planning if appropriate.
- Ensure all discussions take place in private
- In all cases ensure that the employee's safety and well-being is prioritised.
- Refer to occupational health to gain advice, and support.
- Inform the employee that domestic abuse may be a criminal offence and lead to criminal conviction and other forms of legal proceedings and provide them with contact details of support agencies for them to discuss options in confidence (see supporting documentation).

4.4 Related Policies and Procedures

In accordance with the Councils Constitution and other associated HR Policies and Procedures, Chief Officers / Managers have:

- the discretion to grant special leave (reasonable time off, paid or unpaid) to staff (Time Off Work Policy – Head of Department discretion), to support an employee who may need to take time off work to attend appointments to deal with housing, counselling, solicitors, court proceedings, support agencies etc.
- The ability to consider mitigation of personal circumstances when managing the formal stages of Disciplinary, capability and Managing Attendance Policies
- The ability to consider requests to change in working hours or patterns (Work Life Balance Framework).
- Consider use of annual leave and flexi as appropriate

4.4.1 Following a Consistent Approach

The Integrated Care Pathway for Domestic Abuse in Wrexham and supporting documents aim to help anyone whose job might bring them into contact, personally or administratively, with those experiencing domestic abuse. Refer to the ICP for further information and contact details for sources of support. The Integrated Care Pathway can be found on the Council's intranet (insert link to SAM)

4.4.2 Disciplinary Policy and Procedure

Wrexham County Borough Council's approach to domestic abuse includes a commitment to consider to take action against any employee who may be a perpetrator of domestic violence (with a charge and conviction for domestic abuse) and who demonstrates any actions that may be deemed inappropriate and impacts on the

employees role, in accordance with the Councils Disciplinary Policy and Procedure.

Examples where Wrexham County Borough Council may take action against:

- Employees who misuse Wrexham County Borough Council workplace resources – phone, fax, email or other means to threaten, harass or abuse a current or former partner or any other person
- Employees who demonstrate any form of violence, threats or harassment, or other forms of abuse towards their partner, or someone with whom they have had a close relationship when at work, or from work, or representing the Council. This includes employees who use Council resources to threaten, harass or abuse a partner or family member.
- Employees who intentionally misuse their authority or position to enable abuse to continue or encourage others to do so, during the course of their employment or when representing the Council
- Employees that undertake any action or incident that brings Wrexham County Borough Council into disrepute and impacts on the high standards of conduct the Council expects from all employees. (Code of Conduct)

The Disciplinary Policy and Procedure outlines the informal and formal procedures to be adopted if such allegations are made.

Managers may be informed of domestic abuse offences by the Police; Children & Young Peoples Services or other sources through disclosure by the employee.

5. Responsibilities

Employees: All employees are required to adhere to the terms and conditions of this policy, and to seek clarification where necessary from their line manager in the first instance.

Managers: Managers are responsible for ensuring that this policy is consistently applied within their own area.

Trade Unions: Recognised Trade Union representatives will be consulted with on the refinement of HR policy, providing feedback and checking for understanding and ease of use. They are available to support their members where appropriate.

Human Resources: Human Resources, with additional consultation with the Domestic Abuse (Strategic) Coordinating Group, is responsible for creation, development, improvement and refinement of this policy and ensuring policy undergoes regular reviews and updates in line with

Legislation and best practice. Human Resources will provide advice and guidance on the application of the Policy and where specific responsibilities are outlined within.

Chief Officer Governance and Customer - Will have overall responsibility for this policy and will determine the appropriate approval body.

6. Record Keeping

6.1 Confidentiality

Disclosing any information can significantly increase the risk to an employee who is a victim of domestic abuse. Precautions must be taken by managers to avoid this occurring.

If an employee discloses domestic abuse, they must be reassured that this will be kept confidential, within the boundaries of the Council's policy and procedures and escalation mechanisms. This may include essential communication with HR, senior managers, and support functions and in some cases the Chief Officers.

There are limitations to confidentiality, for example if there is reason to suspect that children, young people or vulnerable adults may be at risk. Safeguarding Children or Adult Safeguarding procedures should be followed and this must be explained to the employee. Consent to share information may also be over-ridden in the interests of public safety and where the risks to the victim of domestic abuse are assessed as so high that there is a significant possibility of very serious harm or homicide. For more information refer to the Integrated Care Pathway document for MARAC Procedures. Disclosures to MARAC are made under the Data Protection Act 2018 and Human Rights Act.

Where a matter is heard at a Disciplinary Hearing, records will be kept, detailing the nature of the allegations, the Council's response and the outcome. Details of these will be kept by the Human Resources Department, who will ensure the records are held in accordance with the Corporate Records Retention Schedule.

7. Definition

7.1 The Home Office Definition (2013)

"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 of family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Within this definition 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 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."

8. Reference Materials

8.1 Associated Policies and Documents

[Managing Attendance Policy & Procedures](#)

[Work Life Balance Framework](#)

[Time Off Work Policy](#)

The Cost of Domestic Violence by Sylvia Walby published by Women and Equality Unit in 2004

<http://www.lancs.ac.uk/fass/sociology/papers/walby-costdomesticviolence.pdf>

Domestic Abuse in the workplace references are from

<http://www.devonline.gov.uk>

The Office of National Statistics for England and Wales

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018#domestic-abuse-recorded-by-the-police>

8.2 Legislation

The Human Rights Act 1998 sets our fundamental rights and freedoms that all individuals in the UK have access to - these include freedom from torture and inhuman or degrading treatment, right to liberty and security, respect for private and family life, home and correspondence, protection from discrimination in respect of these rights and freedoms.

The rights of one individual do not over-ride the rights of another and cannot be used to harm, offend, discriminate or otherwise violate the rights of other individuals.

The Equality Act 2010 protects people from discrimination, victimisation and harassment. Harassment includes harassment by a third party. The Council is required to take all reasonable steps to protect staff.

The Gender Equality Duty requires all public authorities to prioritise actions to address the most significant gender inequalities and take actions that could deliver the best gender equality outcomes.

The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 seeks an improved collective public sector response, stronger leadership and a more consistent focus on the way we tackle these issues in Wales and help victims, but more importantly it seeks to stop the abuse happening in the first place.

Under health and safety law, workers have both rights and responsibilities. They have a right to be able to work in a safe environment where risks to their health and wellbeing are considered and dealt with effectively. They have the responsibility to cooperate with legislation and become involved in risk assessment at work.

Employers have a duty of care under the Health and Safety at Work Act 1974 to ensure, as far is reasonably practicable, the health and safety at work of their employees. The Management of Health and Safety at Work Regulations 1992 also requires employers to assess the risks of violence to employees and make arrangements for their health and safety by effective planning, organisation and control.