

Policy and Sustainability Committee

10.00am Tuesday 17th January 2023

Domestic Abuse Policy Correction

Routine
Wards
Council Commitments

1. Recommendations

1.1 To approve the revision to the current Domestic Abuse Policy.

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2. Executive Summary

- 2.2 The revised Domestic Abuse Policy and associated training was approved at Committee on 29 March 2022.
- 2.3 This paper requests a correction is made in line with the original intention behind the policy.

3. Background

- 3.2 Following approval of the Domestic Abuse Policy by Committee in early 2022, the policy and supporting training was launched in June 2022.
- 3.3 Through a review of the policy and supporting documentation, it has been identified that the policy contained two errors which requires corrections with respect to the time off provided to perpetrators of domestic abuse and reports to the Monitoring Officer.

4. Main report

- 4.1 The Domestic Abuse Policy provides support for both victims as well as perpetrators of domestic abuse.
- 4.2 For victims this will include unlimited paid time off to attend meetings, access services as well as cover absences directly related to abuse.
- 4.3 For the perpetrators, time off will be granted to attend programmes (voluntary or court mandated) to address and support behaviour change. However, this leave will be unpaid.

- 4.4 Section 6 of the policy entitled 'Confidentiality' notes:

“Leave for perpetrators will also be recorded on our HR systems, as special paid leave other.”

This is an error, and in line with the original intention behind the policy it should read:

“Leave for perpetrators will also be recorded on our HR systems, as special unpaid leave other.”

- 4.5 To ensure the policy meets our commitment to the various stakeholder groups, we will address correct this error. This will align with the supporting guidance available on the Orb as well as the e-learning provided to employees and line managers.

- 4.6 Section 6 of the policy also states:

“In certain circumstances the Council’s Monitoring Officer will be informed of any disciplinary or police action required.”

The policy should also reflect the requirement for the Monitoring Officer to be informed of all reports of domestic abuse within the Council. As such, it is proposed to amend the line to read:

“All allegations of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on work premises or not) must be reported to the Monitoring Officer prior to the appointment of any investigator”.

5. Next Steps

- 5.1 Once approved, the wording of the policy will be amended, and new version made available to colleagues.

6. Financial impact

- 6.1 There is no material impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 As part of the original development of this policy, a large number of stakeholders were involved. It is also a collective agreement with the Trade Unions, who have been made aware of the correction required and are content with this.

8. Background reading/external references

- 8.1 N/A

9. Appendices

- 9.1 Domestic Abuse Policy with correction

Workplace domestic abuse policy

The Council (we) recognise that domestic abuse is a cruel and complex human rights issue which can affect anyone, leaving physical and emotional scars that can last a lifetime. Every case of domestic abuse disclosure will be taken seriously, and all individuals will be assisted to access the support that they need.

Domestic Abuse is gender-based abuse. The majority of domestic murder victims are women, killed by men. However, men also experience domestic abuse and domestic abuse also occurs in same-sex relationships. Disabled women are almost twice as likely as non-disabled women to be affected by domestic abuse, and some people in ethnic minority groups can be at additional risk. Furthermore, evidence suggests that transgender people may also be at particularly high risk of domestic abuse.

Throughout this policy and within the Guidance and Toolkit we refer to 'women', please note that this includes both cis and trans women.

All colleagues who experience abuse will be offered support, regardless of their sex/gender identity and the type of abuse. We will not make assumptions about what someone might be experiencing or the sex/gender identity of the perpetrator.

By increasing awareness of the signs of domestic abuse, and providing a safe and supportive working environment, we can help individuals experiencing domestic abuse to increase their safety and to make changes in their home or work life to help them to adjust positively to their circumstances and construct lives free from abuse, violence and fear. We will also assist perpetrators to address the consequences of their violence on others and make them aware of the potential impact on their employment within the Council.

Author	Review	Scope
Human Resources	The policy will be reviewed primarily as a result of changes to legislation or statute; Government Policy; COSLA policy; or as a result of changes agreed through Trade Union Consultation.	The Domestic Abuse Policy applies to all Council colleagues, agency workers, consultants and contractors working for the Council.
Purpose		
<p>We have a duty of care to all colleagues, and this extends to those who experience domestic abuse, and to perpetrators. The purpose of this policy is to:</p> <ul style="list-style-type: none"> • provide information, support, and guidance for you if you approach us for help if you're a victim or a survivor of domestic abuse; • provide managers with essential learning about domestic abuse; • provide guidance and training for managers on how to engage appropriately with victims and perpetrators; • enable our managers and HR colleagues to use trauma informed responses and how to appropriately engage with domestic abuse cases; • ensure our employment practices do not position us in a category where we indirectly support the abuser or the impact on the victim/survivor • ensure our employers response reflects our Equally Safe commitments; • help all colleagues understand the signs of domestic abuse and what help and support is available; • encourage perpetrators to address their behaviour and acknowledge the impact of their actions on others; • support perpetrators who want to address their behaviour; and consider the impact on the contract of employment if you are a perpetrator. 		
Local collective agreement		
<p>This policy is a local collective agreement between the Council and the recognised trades unions. Both parties have agreed to work together to make sure that this policy continues as a local collective agreement. Any changes to this statement will be made by agreement. If we cannot reach agreement on changes, then both parties reserve the right to end this local collective agreement by giving four months' notice in writing. If this happens, then the terms of the local agreement will cease to apply to existing and future colleagues.</p>		

Contents

Workplace domestic abuse policy	1
1. What is domestic abuse.....	3
Gendered Based Abuse (GBA)	3
2. Recognise and understand domestic abuse	3
Key messages	4
3. Why domestic abuse is a workplace issue	4
The working environment	4
4. How we'll support you if you're a victim or survivor of domestic abuse	5
The '4-Rs' response	5
Paid time-off	5
Special paid leave and other support.....	5
Line manager information.....	5
5. How we will respond to perpetrators/alleged perpetrators	6
Support to address and change your behaviour	6
6. Confidentiality	6
Child Protection	7
7. Where you can go for support.....	7

1. What is domestic abuse

The City of Edinburgh Council, COSLA, The Scottish Government, and the United Nations define domestic abuse as:

"Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends)."

Domestic abuse forms a pattern of abusive and controlling behaviour. It is rarely confined to a one-off incident and it usually escalates in frequency and severity over time, particularly if the victim tries to exercise their independence, leave and/or challenge the perpetrator's control. Women are at the greatest risk of murder when they leave or attempt to leave their abusive partner. Over two women a week are murdered in the UK by their current or ex-partner.

Gendered Based Abuse (GBA)

When considering domestic abuse as Gendered Based Abuse (GBA), it's important to recognise that it's abuse and violence that is directed at an 'individual' based on their biological sex or gender identity.

In the context of domestic abuse, GBA is abuse and violence used against women, men, and the LGBT+ community to assert and reproduce gender roles and norms. Basically, meaning that GBA can happen equally to a person of either sex or gender identity, and is used to reinforce conformity to gendered roles.

Domestic abuse is intentional and purposeful. Anyone can be affected by domestic abuse irrespective of their sex, gender identity, sexuality, ethnicity or social standing.

"Gender-based abuse and violence is deeply rooted in gender inequality and continues to be one of the most notable human rights violations within all societies." (Equally Safe)

We recognise that colleagues from marginalised groups will face additional issues that relate specifically to them, particularly colleagues from the LGBT+, BAME, disabled, and older adults' groups.

2. Recognise and understand domestic abuse

The most effective response we can have to domestic abuse is to be aware and to be proactive.

It's not always easy to detect when an employee is experiencing domestic abuse. Domestic abuse is often associated with physical and sexual violence, but it will also be emotional and/or psychological, i.e. coercive control.

As an aware and proactive employer, we will create a supportive atmosphere for colleagues enabling them to feel comfortable disclosing domestic abuse.

The domestic abuse managers' guidance and toolkit gives more detail in how to recognise the possible signs of domestic abuse and how to respond appropriately (as inappropriate intervention can contribute to the cycle of abuse continuing). It will help managers become confident in asking the right questions in the right way and therefore ensure our managers and leaders are comfortable speaking to someone in the organisation who can help them access the right supports for you and your circumstances.

Key messages

- No victim of domestic abuse is ever responsible for the abuse they experience.
- An abuser's behaviour will only change if they recognise that they have a problem and are prepared to take responsibility for addressing their abusive behaviour.
- Domestic abuse is everyone's responsibility.
- Doing nothing is not an option for managers when a team member discloses domestic abuse.
- Taking appropriate action in respect of perpetrators is essential and must always involve HR Domestic Abuse Specialists.

Details on how to respond appropriately to disclosures and when to engage professional agencies can be found in the managers guidance and toolkit.

It's important to note that inappropriate intervention can contribute to continuing the cycle of abuse, and as an employer our response must be proportionate and in line with The Council's Domestic Abuse Strategy and Improvement Plan.

3. Why domestic abuse is a workplace issue

We have a duty of care for the health, safety and wellbeing of our colleagues, and strive to create a safe and supportive workplace environment.

A domestic abuse policy is important for all of us.

- Domestic abuse has an impact at work and on the work we do. (Research shows that 75% of those enduring domestic abuse are targeted at work.)
- Domestic abuse can negatively affect those abused as well as workplace colleagues.
- Domestic abuse can impact on an employee's performance, attendance, career prospects, and job security.
- It helps save lives and helps keep colleagues safe – and also helps keep vulnerable children safe
- It increases productivity and morale.
- It helps women sustain and retain employment which is important for creating economic independence.
- It reinforces that issues that matter to colleagues and the wider community are also important to us.

An employee can experience domestic abuse in a number of ways relating to work:

- threatening phone calls and emails;
- when they travel to and from work;
- the abuser might call the victim or colleagues to check up on the victim (e.g. pretending to care);
- the abuser might interfere with the victim's ability to work at home;
- an employee's performance, attendance, career prospects and job security might be affected;
- colleagues can also experience threatening or intimidating behaviour from the perpetrator.

Importantly, the workplace can be one of the few places that a person experiencing domestic abuse can be separate from their abuser. Consequently, it may be the one place where someone can safely ask for help.

The working environment

When considering domestic abuse and the workplace we must consider all aspects of the working environment:

- the physical workplace (including when the home is the workplace);
- the commute to and from work;
- attendance at a training or a work-related social event;

- the digital world that connects all people in the world of work;
- anywhere that a worker takes a break or uses facilities, e.g. toilet, touch-down areas;
- employer-provided accommodation.

4. How we'll support you if you're a victim or survivor of domestic abuse

The '4-Rs' response

We'll ensure our colleagues have access to the same help that is available to the citizens of Edinburgh. We'll do this by using the universally recognised 4 R's Response: **Recognise, Respond, Refer, and Record.**

The aim of any intervention around domestic abuse is to increase the safety of those at risk of harm, this includes our responses to you as your employer. Details of how to use the '4-Rs' response as a victim and/or survivor of domestic abuse is in the managers' guidance and toolkit.

Paid time-off

If you experience domestic abuse, there's advice and support available from any of the key stakeholders and specialist agencies – they offer tailored support specific to your own needs.

The Council will give you paid time-off to:

- access and engage with external agencies offering professional help,
- access housing support,
- access counselling,
- attend legal appointments,
- make workplace adjustments.

Special paid leave and other support

Once you have disclosed domestic abuse, we will treat unplanned absences and temporary poor timekeeping as special paid leave.

We will offer you a broad range of support (this may include but is not limited to the following).

- Special paid leave for relevant appointments, e.g. meeting support agencies, solicitors, rearrange housing or childcare, and court appointments.
- Undertaking specialist risk assessments.
- Temporary or permanent changes to working times and patterns, consideration of flexible working arrangements.
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer-facing role.
- Relocating the perpetrator (if both the victim and the perpetrator work in the same location).
- Redeployment or relocation (if appropriate to individual circumstances).
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Access to counselling/support services, occupational health referral and/or specialist agencies.
- An advance of pay.

Line manager information

Colleagues who experience domestic abuse may choose to tell, report to or ask for support from a line manager, a colleague, or trade union representative.

Line managers and union representatives will not counsel victims or survivors, but will offer information, workplace support, and signpost other organisations that can help. Line managers must always follow the 4-R's process.

In line with recognised best practice (when working with victims and survivors of domestic abuse), line managers will respect the right of colleagues to make their own decision on the course of action at every stage and should never be judgemental. It must be recognised that colleagues may need some time to decide what to do and may try many different options during this process.

Other existing provisions (including occupational health and independent counselling services) will be discussed with colleagues as a means of appropriate help and support.

5. How we will respond to perpetrators/alleged perpetrators

Domestic abuse perpetrated by colleagues will not be condoned under any circumstances nor will it be treated as a purely private matter. Perpetrators who want to address their behaviour will be supported to do this via the appropriate agencies.

We have a duty of care towards all our colleagues, this includes perpetrators of abuse who, through their actions, may be harming their own lives as well as the lives of their partner, ex-partner, and children.

If you have any convictions, cautions, or pending court appearances We will engage with you in a constructive way. This does not mean that we are excusing the abuse, our aim is to help to increase safety and save lives.

If you have any convictions, cautions, or pending court appearances regarding domestic abuse you must disclose these to your line manager. This obligation is also part of our Code of Conduct.

Support to address and change your behaviour

We recognise that perpetrators will need help to change their behaviour and we will support and encourage them to address violent and abusive behaviours of all kinds.

We will keep a confidential record of a disclosure and any actions or decisions that have been taken. These records may subsequently be used in any legal proceedings or disciplinary hearing involving you as a perpetrator or alleged perpetrator.

Our intention is to support perpetrators to address their abusive behaviour. We will:

- provide advice, information and support to help you change;
- allow appropriate time-off to attend perpetrator programmes, either voluntary or court-mandated;
- make workplace adjustments (where required);
- provide advice, information and support to change;
- allow unpaid time off to attend perpetrator programmes, either voluntary or court mandated;
- make workplace adjustments;
- take disciplinary action as appropriate, considering:
 - the nature of your conduct and the nature of your work,
 - the extent to which your role involves contact with, or poses a risk to, other colleagues and the general public,
 - whether you have broken professional codes of conduct.

Training will also be available for managers in how to engage appropriately with perpetrators.

6. Confidentiality

All information will be kept strictly confidential, this will include any referral to professional agencies.

There will be no adverse impact on your employment records where you have disclosed domestic abuse to us either as a victim or survivor.

Any information held will be treated as strictly personal and confidential, and this will include any referral to professional agencies.

All time-off for victims and survivors will be recorded as special paid leave.

Leave for perpetrators will also be recorded on our HR systems.

All allegations of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on work premises or not) must be reported to the Monitoring Officer prior to the appointment of any investigator.

Child Protection

Information will only be disclosed with the express permission of the individual, unless there are legal requirements to the contrary.

Domestic abuse is frequently linked to child abuse and neglect. Where a risk to children or vulnerable adults is identified our responsibility for public protection may require us to notify the relevant social work office. If this is required, then the individual colleague will be informed accordingly.

7. Where you can go for support

- Line manager
- askHR
- Trade Union Representatives
- Employee Assistance Programme
- NHS Partnership
- Health and Safety
- Specialist Agencies (including Social Care Direct).