

# Policy and Sustainability

10:00am, Tuesday, 1 October 2019

## Domestic Abuse Policy

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 To approve the new Domestic Abuse Policy

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# Report

## Domestic Abuse Policy

### 2. Executive Summary

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- 2.1 The Domestic Abuse Policy sets out the Council's commitment to provide a safe and supportive working environment for colleagues impacted by Domestic Abuse. The focus of this Policy is to:
- provide information, support, and guidance for colleagues when a disclosure is received;
  - help all employees understand the signs of domestic abuse and what help and support can be offered and sourced and,
  - encourage perpetrators to address their behaviour and acknowledge the impact of their actions on others.
- 2.2 The Policy will replace the current Domestic Abuse Policy, which was approved at Committee on 23 February 2010.

### 3. Background

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- 3.1 In February 2018, the Domestic Abuse (Scotland) Act was passed which initiated a review of our current policy and procedures. The opportunity was taken to refresh and update the policy with greater focus on providing appropriate support.
- 3.2 Whilst making the updates to ensure the policy addresses the change to legislation, we have taken the opportunity to review the style, tone and language used to ensure that the policy is fit for purpose and supportive in its application.

### 4. Main report

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- 4.1 The Domestic Abuse Policy provides an update to the previous iteration, recognising the recent change to legislation and a requirement for clearer guidance for colleagues and managers on their roles and responsibilities if/when a disclosure is made. Improvements include:
- An updated definition, incorporating both the Police Scotland and Scottish Government views, reflecting the fact that Domestic Abuse can occur not only between partners and ex-partners, but also spouses, civil partners, couples who live together, or any other close, intimate relationships, such family members. It is also acknowledged that Domestic Abuse can involve more than one Perpetrator.
  - The policy recognises that colleagues subject to abuse may not feel comfortable disclosing information to their manager. As such, there is greater encouragement

for colleagues to seek support from a variety of sources in addition to their manager, including: other colleagues, a member of the HR team, our Employee Assistance Programme, a Trade Union representative if they hold a membership, or one of many external agencies that can offer support.

- Inclusion of a more extensive section detailing the types of Domestic Abuse, recognising that this is not just limited to physical abuse. The policy also addresses the fact that coercive and controlling behaviours are now considered an offence under the new legislation.
- A new section providing managers with advice on how to respond to a disclosure.
- A new 'roles and responsibilities' section which outlines both the employee and manager responsibilities under this policy. These responsibilities reflect both our procedure for dealing with issues relating to domestic abuse, and our commitment to provide a safe and supportive working environment.

## **5. Next Steps**

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- 5.1 An implementation plan will be put into effect, commencing with the update of content made available to colleagues via the Orb, training modules and materials both for employees and line managers.
- 5.2 Orb content will include details of additional specialist resources that colleagues can access (and that managers can signpost to), including external support agencies and internal social housing support services.

## **6. Financial impact**

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- 6.1 There is no material impact resulting from this policy.

## **7. Stakeholder/Community Impact**

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- 7.1 The policy meets our legal obligations in relation to formal consultation.
- 7.2 The policy applies to all employees and is explicit in the consistency of its application.
- 7.3 Further to formal consultation, this policy has been assessed for possible impacts on vulnerable groups, people with protected characteristics, equality and human rights and economic factors as part of our integrated impact assessment.
- 7.4 Through consultation with Trade Unions this policy is a local collective agreement.

## **8. Background reading/external references**

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- 8.1 Link to Legislation Publication: <http://www.legislation.gov.uk/asp/2018/5/contents>

## **9. Appendices**

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N/A

# Domestic Abuse Policy

The Council (we) recognises that domestic abuse is a serious issue that affects people in all aspects of life, including work. Understandably, domestic abuse will likely have a significant impact on the lives, of victims, survivors, perpetrators, or for those supporting someone who is in an abusive relationship. As an organisation, we are committed to providing the right level of support.

This policy aims to set out how we provide a safe and supportive working environment for colleagues impacted by domestic abuse and increasing awareness of the signs of domestic abuse. Where possible, we can also help employees who want to make changes in their home and work life to support their wellbeing.

## Author

Employee Relations, Human Resources, Resources Directorate

## Scope

This Policy applies to all Council employees.

## Purpose

We have a duty of care to all employees and this extends to those who are victims, survivors and perpetrators of domestic abuse. The purpose of this policy is to:

- provide information, support, and guidance for you, if you approach us as a victim or a survivor of domestic abuse;
- provide managers with essential learning about domestic abuse;
- help all employees understand the signs of domestic abuse and what help and support can be offered and sourced; encourage perpetrators to address their behaviour and acknowledge the impact of their actions on others.

## Review

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily as a result of: changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

## Local Agreement

This policy is a local collective agreement between the Council and our recognised Trade Unions. We will make every effort to ensure that it is maintained as a local collective agreement. Any changes will be made by agreement. If we cannot agree, either party can end the local collective agreement by giving four months' notice in writing, with the policy ceasing to apply to staff at the end of that period.

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# 1. What is Domestic Abuse?

This Policy takes account of the Police Scotland definition of domestic abuse, which includes:

*"Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship.*

*"The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere including online."*

Furthermore, we recognise that victims can be subject to domestic abuse from more than one perpetrator within their family and considers the UK government definition for Domestic Abuse:

*"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 and emotional."*

There is a common misconception that domestic abuse is just physical. This is not the case. Domestic abuse can be physical, sexual, emotional or mental abuse. You should seek support if you think you may be experiencing any of the behaviours listed below from a partner, ex-partner or a member of your family:

- Physical abuse:  
All types of assault and physical attacks like hitting (including with objects), punching, kicking and burning.
- Sexual abuse:  
Forcing you to have sexual intercourse or forcing you to engage in sexual acts.
- Mental/emotional abuse:  
Threats (including threats of violence); criticism and name calling; controlling what you do, where you go and who you speak to; threatening your children or family members, isolating you from friends and family; accusing you of being unfaithful; threatening to 'out' your sexual orientation to family, friends or work or to reveal your HIV/AIDS status.

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.

## 2. Identifying Domestic Abuse

People in abusive relationships may fear telling someone about it. For that reason, it's important to know what support is available to you. Equally, if you're supporting someone who's in an abusive relationship, it's important to be able to identify this in the first instance and create a safe space to talk about it.

If you're being harmed by your partner, ex-partner or member of your family you may be experiencing domestic abuse. As domestic abuse is not just physical, your abuser does not necessarily need to act in a violent way for it to be considered abusive. They may act in a way that undermines you, isolates you and ensures that you are living under their control. It's important to note that, whilst actions could be directed to others (e.g. your children or a pet), your abuser may be doing this to intimidate and control you.

People experiencing domestic abuse suffer a broad range of physical and emotional consequences and can do so for a significant period before getting effective help. If you think someone might be suffering this type of abuse, remember it's never too late to help. Approach the subject with respect and sensitivity and ensure the environment is safe and private.

Be aware that domestic abuse can be experienced anywhere, and colleagues may also be at risk in the workplace. Each situation concerning domestic abuse is different. However, all colleagues should be aware of the typical signs and indicators for abuse. Examples include:

- Unplanned/ unannounced disruptive visit by partners or ex partners at work.
- Stalking, physical or sexual assault whilst travelling to and from work or at work.
- Change in job performance: poor concentration, errors, slowness, inconsistent work quality.
- An unusual number of phone calls/text messages, strong reactions to those calls/text messages, and/or a reluctance to converse or respond to phone/text messages.
- Absenteeism or lateness for work.
- Reluctance to leave work.
- Obvious injuries such as bruises, black eyes, broken bones, hearing loss — these are often attributed to “falls,” “being clumsy,” or “accidents.”

## 3. Supporting Victims of Domestic Abuse

If you're experiencing domestic abuse, we encourage you to speak with your line manager and access the available support. However, if you don't feel comfortable speaking to your manager about it, you may wish to seek support from a variety of other sources including speaking to a colleague, a member of the HR team, our confidential Employee Assistance Programme, or one of the many organisations that offer support. If you're a member of a Trade Union, you may also wish to speak to your TU representative. Any concerns you raise will be handled in a supportive and sympathetic way.

We appreciate you may want to seek relevant support either internally or through external agencies that offer professional help. More information on these services can be found on the Orb.

We also recognise that you may have other formal commitments, such as court hearings or social work appointments as a result of experiencing domestic abuse. To support you in this, we will:

- approve paid time off to attend appointments with social work, housing, lawyers etc, including any attendance required at domestic abuse court;
- where absence is related to issues of domestic abuse, this would not be handled within the formal stages of the Sickness Absence or Performance Management policies;
- where feasibly possible, make appropriate workplace adjustments to increase your safety at work, including varying hours and work locations etc.; and
- regularly discuss with you any support measures put in place to ensure they offer effective support, which balances your welfare and work commitments. Equally if you recognise that something isn't working, please raise this with your line manager in the first instance.

People experiencing domestic abuse are especially vulnerable once they attempt to leave abusive partners. For example, they may feel more vulnerable going to, coming from or being at work. If you are a line manager providing support, please see supporting guidance for some practical things you should consider and discuss with your colleague.

## 4. Confidentiality

Any information and support provided to colleagues is intended to help, and if you are unsure how to do this then please contact HR. Any discussions should take place in private and we appreciate employees may wish to be accompanied to meetings with a colleague or a representative from your Trade Union if you are a member.

Confidentiality can only be maintained as far as it's reasonably practicable within our duties as an employer. Situations where confidentiality cannot be assured may occur when there are concerns about children or vulnerable adults, or where an employer needs to act to protect the safety of employees. In these circumstances we will discuss the reason for disclosing any information to a third party with you and will seek your agreement wherever possible.

## 5. Information for Perpetrators

We acknowledge that domestic abuse is a chosen behaviour and perpetrators are solely responsible for the abuse they inflict. Colleagues should be aware that domestic abuse is an unlawful act and can lead to criminal convictions. However, on some occasions it may be appropriate to deal with employee behaviour in accordance with our internal disciplinary procedure.

Employees' conduct both inside and outside work may lead to disciplinary action against them, dependent on various factors including:

- the seriousness of the alleged/proven misconduct, caution, or offence;
- its relevance to the work the employee undertakes for the Council; and
- its impact upon the employment relationship between the Council and the employee.

When a perpetrator is attending a perpetrator programme, either on a voluntary or court mandated basis, consideration may be given to suspending any disciplinary outcome pending the successful completion of the programme.

Some perpetrators may seek assistance in changing their behaviour and should be supported in doing so using:

- unpaid leave;
- annual leave; or
- temporary changes to shift patterns or working hours.

This will allow perpetrators to attend appropriate counselling sessions or to comply with a court order to attend a perpetrator programme.

Where a perpetrator has identified themselves, or is known to us, then this must be treated confidentially.

## 6. Responding to a Disclosure

If you have reason to suspect that a colleague is experiencing domestic abuse, or they approach you directly to talk to you about it, please move to somewhere private and listen without offering personal advice but do provide the guidance that is available and arrange for specialist advice.

| Do   | Don't                                    |
|--|--|
| ✓ Allocate some time in a private space to listen                                      | ✗ Seek proof of abuse                    |
| ✓ Be sensitive/non-judgemental and supportive in your approach                         | ✗ Compel the colleague to accept support |
| ✓ Prioritise the colleague's safety  | ✗ Act as the support worker yourself     |
| ✓ Be prepared to call 999 if you feel that this colleague could be in immediate danger | ✗ Attempt to contact the perpetrator     |
| ✓ Be prepared for the individual to be upset and tearful                               |  |

Please note that the recommended action for anyone experiencing domestic abuse is to be referred to a specialist organisation where the focus will be on assessing the potential risks and advising on the safety of those involved. When a disclosure is made you should refer or signpost the individual to a supportive service/helpline, a full list can be found on the Orb. If you have concerns about the risk to any employee, you can also confidentially seek advice on the situation from a supportive service.

## 7. Roles and Responsibilities

### Line Managers should:

- Listen to what is said and don't put pressure on your colleague to do anything they aren't ready to do.
- Take care without passing judgement on their situation and help to arrange the right advice and services through specialist agencies.

- Provide your colleagues with the Employee Assistance Programme number. This is confidential, and they are trained professionals who can arrange counselling, including trauma counselling if required. You may also agree with your colleague to refer to our occupational health provider, who can also make referrals for counselling.
- Consider, discuss and agree what adjustments can be made at work for victims and survivors to ensure their safety. See supporting guidance for further information.
- Be familiar with the resources available for victims, survivors and perpetrators, so that you can appropriately signpost to the most relevant specialist and/or agencies.
- Contact askHR for advice if a colleague discloses a caution, charge or conviction in relation to perpetrating domestic abuse.
- Provide appropriate paid time off for colleagues who are victims or survivors of domestic abuse so that they can attend relevant appointments or court proceedings.
- Support colleagues who have presented as perpetrators of domestic abuse and support any efforts to attend counselling or court mandated perpetrator programmes, e.g. allowing use of annual leave, unpaid leave or being flexible around start and finish times where this can be accommodated.

**Employees should:**

- Discuss any domestic abuse issues with your line manager, or another manager with whom you feel comfortable talking to. If you are a member of a Trade Union, you can also speak to your TU representative. Any concerns you raise will be handled in a supportive and sympathetic way.
- Provide details of any appointments you have to your line manager so that appropriate time off can be provided.
- Make use of the free confidential Employee Assistance Programme.
- Engage with referrals to occupational health and participate in counselling when recommended by a health professional to help your own recovery.
- Disclose any cautions, charges or convictions to your line manager.