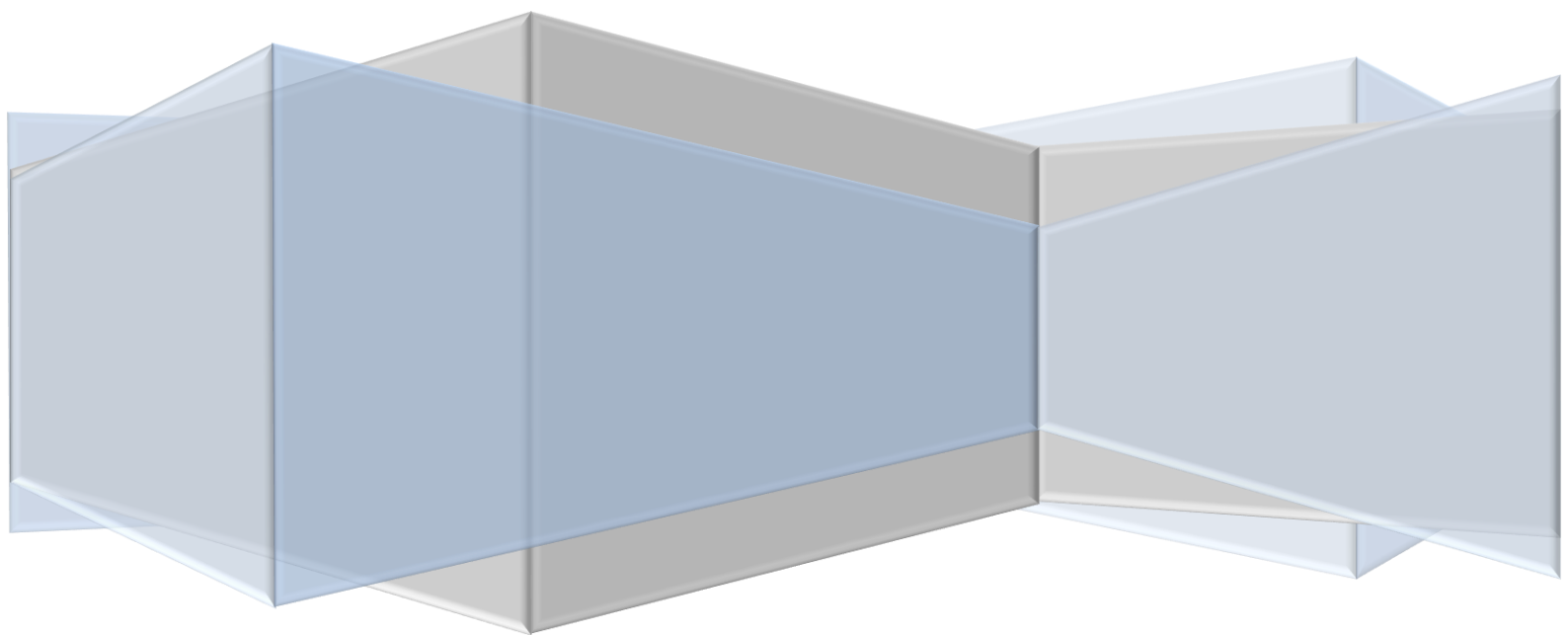


Richmond and Wandsworth Councils

Health and Safety Handbook - Chapter 27 – Domestic Abuse



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Version

The table below shows the history of the document and the changes that were made at each version.

Version	Date	Summary of changes
0.1 (draft)	03 Nov 2014	First issue draft for consultation
1.0	14 Nov 2014	Initial issue
1.1	19 Nov 2015	Review
1.2	08 Aug 2018	Reformatted and updated to reflect new SSA format
1.3	27 Mar 2020	Reformatted and added to Loop
1.4	27 Apr 2020	Updated specialist organisation guidance and reformatted
1.5	4 th May 2020	Updated following HR feedback
1.6	6 th May 2020	Formatting

1 Introduction

- 1.1 Domestic abuse does not discriminate. It affects the morale, health, well-being, self-confidence and sense of dignity of those suffering abuse and this can result in a detrimental effect on their ability to carry out their job and to attend work regularly.
- 1.5 Richmond and Wandsworth Councils oppose all forms of domestic abuse and understands the risks and consequences in the workplace for employees. All staff who report that they are experiencing domestic abuse will be taken seriously and fully supported effectively, sympathetically and confidentially.
- 1.6 The aim of this policy is to signpost employees to the support available in respect of their health and wellbeing and to provide advice and guidance to managers on the implications of domestic abuse in the workplace.
- 1.7 Domestic abuse will not be condoned under any circumstance. All employees must adhere to the standards of professional conduct.

2 Policy Statement

- 2.1 Everyone has the right to live their life free from violence, fear and abuse and be protected from harm or exploitation.
- 2.2 This policy aims to ensure that employees who may be suffering domestic abuse:
- Feel as safe and secure as possible whilst at work;
 - Feel able to raise the issue with their Manager, Human Resources, Union representative;
 - Are readily able to access information on sources of advice and assistance;
- 2.3 This policy aims to ensure that managers:
- Acknowledge the prevalence of domestic abuse, have an increased understanding of its nature and are better equipped to recognise the possibility that an employee is experiencing domestic abuse;
 - Are better equipped to engage with employees, establish details and support employees;
 - Are able to respond and refer employees to services inside and outside the council;
- 2.4 Managers or those in a safeguarding role should complete the domestic abuse Awareness Training to improve their understanding of domestic abuse. This will help raise awareness for potential victims and potential abusers.
- 2.5 It is not always easy to detect when an individual is experiencing domestic abuse. Abuse is often associated with physical violence, but it may also be emotional or psychological. Managers should be aware and be proactive. Further information on the indication of domestic abuse can be found in Appendix 1.

3 Background Information

- 3.1 Many people will experience some sort of domestic abuse at some point in their lives. It is not just a service delivery issue. It is an issue which affects people from all communities and that is why the Council has clear and effective processes to help minimise the impact of domestic violence on its employees
- 3.2 One in four women and one in six men suffer from domestic abuse in their lifetime and domestic abuse costs businesses £1.9 billion every year due to decreased productivity, time off work, lost wages and sick pay.¹
- 3.3 In the UK, in any one year, more than one in five victims of domestic violence take time off work because of abuse and two per cent lose their jobs as a direct result of the abuse.² It is also estimated 2 million adults aged 16 to 59 years experienced domestic abuse in 2018 (1.3 million women, 695,000 men).³
- 3.4 It is recognised that domestic abuse can disproportionately affect certain sections of society, however this policy is applicable to all staff equally regardless of a person's background or protected characteristics such as gender/sex, sexual orientation, race/ethnic origin, religion or belief, age, disability, gender identity/reassignment, pregnancy and maternity and marriage and civil partnership.
- 3.5 Domestic violence can affect the productivity of employees in the following ways:
- Employee absenteeism and turnover
 - Loss of productivity
 - Stress and emotional distress
 - Impact on other staff
 - Violence in the workplace
- 3.6 The benefits of having a domestic abuse workplace policy are:
- Employers can play a key role in promoting awareness of the issues as well as providing support for staff
 - Employees can see that this issue is being taken seriously and can be confident that they can approach their managers for support
 - Managers will be aware of the potential impacts of domestic violence in the workplace and more able to recognise the possible signs

¹ Source: <https://www.gov.uk/government/news/new-advice-to-help-employers-deal-with-domestic-abuse-and-stigma> (Accessed May 2020)

² Source: https://www.tuc.org.uk/sites/default/files/Domestic_Violence_And_The_Workplace_0.pdf (Accessed May 2020)

³ Source: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusefindingsfromthecrimesurveyforenglandandwales/yearendingmarch2018> (Accessed May 2020)

- Managers will know how to respond and support staff and where to refer them to for advice
- Employers will be fulfilling their duty of care to ensure that their employees are not at risk in the workplace
- Employers will be demonstrating a powerful commitment to the principles of equal opportunities and the equality duty in the workplace

4 Legal Context

4.1 The domestic abuse policy takes into account the following legislation, and employees are encouraged to refer to this legislation where cases require. This list is not exhaustive.

- The Family Law Act 1996
- The Housing Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- The Data Protection Act 2018
- Anti-Social Behaviour Act 2003
- Domestic Violence, Crime and Victims Act 2004
- The Care Act 2014
- Forced Marriage Act 2007
- The Equality Act 2010
- The Stalking Protection Act 2019

4.2 It is also necessary to consider National Strategic Developments and Policies that have a bearing on domestic abuse. As above, this list is not exhaustive. This may include amongst others:

- The 2019 Domestic Abuse Bill.⁴
- The Government's Strategy for Ending Violence Against Women and Girls 2016-2020⁵
- London Multi-Agency Safeguarding Policy and Procedures⁶
- London Child Protection Procedures

⁴ <https://www.gov.uk/government/news/new-definition-of-domestic-violence> (accessed April 2020)

⁵ <https://www.gov.uk/government/publications/strategy-to-end-violence-against-women-and-girls-2016-to-2020> (accessed April 2020)

⁶ <https://londonadass.org.uk/safeguarding/review-of-the-pan-london-policy-and-procedures/> (accessed April 2020)

- Working Together to Safeguard Children⁷

5 Defining Domestic Abuse

- 5.1 Richmond and Wandsworth Councils have adopted the Home Office definition of Domestic Violence and Abuse to mean the following:

“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*

- 5.2 **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.
- 5.3 **Coercive behaviour** is: an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victims. 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.
- 5.4 **Stalking and harassment** is a very common feature of domestic abuse. It occurs in isolation or as a component of the wider profile of abuse. High severity stalking and harassment can include behaviours such as constant communication, uninvited visits, loitering and threats to kill.⁸
- 5.5 **Family members** are: mother, father, son, daughter, brother, sister & grandparents; directly-related, in-laws or step-family.”
- 5.6 This guidance is applicable to both male and female victims and perpetrators in both heterosexual and same sex relationships. It is important however to recognise female victims of domestic violence within the wider context of all forms of violence against women and girls. Although 1 in 3 victims are male, the overwhelming majority of serious and repeat incidences of domestic violence are perpetrated by men against women.
- 5.7 This guidance is also to be considered applicable to other Harmful Practices, such as FGM, Honour Based Violence and Forced Marriage.

⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf

⁸ Source: <https://safelives.org.uk/sites/default/files/resources/SafeLives%20Insights%20factsheet%20-%20victims%20of%20stalking%20and%20harassment.pdf> (Accessed April 2020)

Version 1.4 : 6th May 2020

6 Dealing with Domestic Abuse - Practical measures for managers

- 6.1 Managers have a duty to ensure a safe and secure environment for all employees. For some employees, the workplace is a safe haven and may be the only place that offers routes to safety / opportunities to seek advice. In dealing with disclosures of domestic abuse.
- 6.2 Managers are not expected to take on the role of counsellor or attempt to resolve the issue. However, they are expected to create a safe and supportive work environment, which can be key to helping and assisting an employee experiencing domestic violence.
- 6.3 The following four steps provide a practical framework for managers.

Recognise

- 6.4 Domestic abuse is unlikely to be disclosed easily, by someone experiencing abuse or perpetrating it. It is more likely that problems will be identified through effective monitoring of sickness, attendance, and work performance. Managers need to have a sensitive approach and ensure that employees are offered support if domestic violence is disclosed to them.
- 6.5 The following are some signs that managers can look out for which may indicate that someone is experiencing domestic abuse:
- Sudden changes in behaviour or performance at work
 - Recurrent lateness / absence from work
 - Changes in the way an employee dresses for example excessive clothing on a hot day
 - Unexplained injuries / bruising
 - Receiving repeated upsetting phone calls / emails or being the victim of vandalism or threats
 - Obsession with time
 - Reluctance to leave work at the end of the day
 - Emotional distress, lack of self-confidence, low self-esteem or depression
 - Repeatedly requiring time off for appointments
 - Avoiding lunch breaks or socialising outside work
 - Frequent visits by partner
 - Worried about leaving children at home
 - Fatigue/sleeping disorders
 - Substance misuse
 - Secretive regarding home life

Engage

6.6 The manager should adopt a non-judgemental attitude and reassure the employee of his/her willingness to support them as appropriate. There may be reasons why they do not want to leave their domestic abuse situation some examples are listed below this is not an exhaustive list of the potential reasons. Abusive relationships are extremely complex and there many barriers which make leaving both difficult and dangerous.

- Financial considerations
- Fear of being required to leave the UK if a marriage breaks down
- Betrayal of a partner or child
- Fear of institutionalisation for disabled employees
- Perceived lack of sympathy and understanding for gay or lesbian people who experience domestic abuse from their partner
- Fear of losing job or being unable to attend work regularly
- Women from certain communities can fear isolation by their communities if they expose a violent partner.
- Fear of reprisals by their partners

6.7 When dealing with a report of domestic violence from an employee, managers should:

- ensure discussions take place in privacy and are as confidential unless there are reasons as set out at section 8;
- take the employee seriously, taking time to listen to them, believing what they tell you and ensuring a non-judgmental approach;
- reassure them that at a management and organisation level you understand how significantly this issue can impact on their work life and that all efforts will be made to support them;
- understand that an employee may wish to involve a third party, such as a colleague, trade union representative, or friend, rather than speak directly to their line manager;
- be aware that there may be additional issues facing the employee because of their age, gender, sexuality, ethnic background, race or disability; and
- explore what support and information is available (e.g. Employee Assistance Programme (EAP), Occupational Health Service (OHS), local or national support and information services and support the employee in whatever they decide to do.

Establish Detail

- 6.8 Managers have a responsibility for recording detail in respect of staff welfare that includes domestic abuse. It is recognised that this is a sensitive issue and in order to assist managers in securing and recording information, a simple template is provided as a basis for a conversation and record keeping. This should be seen as a minimum. **See Appendix 1**
- 6.9 A manager should be aware that this may be the first time the employee has discussed the situation with anyone and they may well be feeling a number of very strong emotions, e.g. embarrassment, anger, vulnerability, fright, anxiety etc.
- 6.10 Managers may feel uncomfortable asking direct questions about domestic abuse but avoiding the subject can perpetuate the fear of stigma and increase feelings of anxiety. In some circumstances the workplace may be the only safe environment where an employee can seek help or advice. They may be worried about disclosing the abuse or the reaction they will receive, so a manager making the first move to begin a conversation could be key. Below are some examples of questions that managers could ask to begin a discussion:
- How are you doing at the moment? Are there any issues you would like to discuss with me?
 - I have noticed recently that you are not yourself. Is anything the matter?
 - Are there any problems or reasons that may be contributing to your frequent sickness / absence / performance at work?
 - Is everything all right at home?
 - What support do you think might help? What would you like to happen?

Response, Referral and Record

- 6.11 Managers dealing with disclosures of domestic abuse are required to deal with the obligations of a council as an employer, but also wider Safeguarding and welfare concerns. It is useful to consider the Care Act's definition of Safeguarding as "protecting an adult's (or child's) right to live in safety, free from abuse and neglect."
- 6.12 If an employee discloses that they are suffering from stress due to domestic abuse (or any other matter) the manager has a responsibility to consider what steps could be taken to support the member of staff including reviewing workloads, adjusting working patterns and other reasonable adjustments. Advice may be sought from the Occupational Health Service.
- 6.13 Referrals must be offered that are optional and available from the council and in addition the services of external agents. See section 12 for full details.
- 6.14 Options for support and advice within the council environment may include:

- Employee Assistance Programme
- Occupational Health if the situation is impacting on their ability to work
- Trade Unions
- Community Safety Division

6.15 Options and advice to refer outside the council include:

- The police
- Local specialist advocacy services
- National Domestic Abuse helpline
- Other specialist providers to be found at Section 12

6.16 Managers should recognise that someone who is experiencing domestic abuse may need time to decide what to do and may try different options. Respect and support their decisions. It should not be assumed that just because they stay in or return to an abusive relationship, it was not severe or did not take place.

6.17 Managers must also consider the councils statutory duty in respect of Safeguarding Children, to ensure its functions are discharged having regard to the need to safeguard and promote the welfare of children⁹.

6.18 Managers must consider the implications where both the victim and abuser are employed at Richmond and Wandsworth Council and particularly where they work at the same work site. Physical or verbal abuse or harassment of any employee by another will not be tolerated and will be the subject of disciplinary action. Consideration may be given to potential relocation for one or both of them. Advice may be sought from HR.

6.19 Further options for action/consideration may include:

- agree with the employee what to tell colleagues should they wish them to be aware of the situation. Discuss how they should respond if their partner/ex-partner telephones or visits the workplace
- reminding all employees not to divulge information about other employees, especially personal details such as addresses, telephone numbers or shift patterns
- improving security measures whilst at work
- ensure the employee does not work alone or in an isolated place and check that all staff have made arrangements for safely getting to and from home

⁹ Source:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf (Accessed May 2020)

- reviewing and perhaps altering the working hours or shift patterns of an employee until the matter has been concluded
- offering changes in specific duties i.e. answering phones or working in a public area
- making sure that the systems for recording an employee's whereabouts during the day are adequate
- consider how risks can be minimised, e.g. offering the use of a work mobile phone
- considering requests for alternative working arrangements as covered in the Flexible Working Guidance
- considering paid or unpaid time off for employees who have disclosed that they are experiencing domestic violence. The Council's Special Leave Guidance allows for cases of an unforeseen personal or domestic crisis to be considered.
- Advise the employee if payment arrangements need to be changed. This can be done via the iTrent self-service providing advice on support mechanisms e.g. EAP, OHS, etc.

6.20 Managers should keep a record of any incidents of abuse that occur in the workplace, for example persistent telephone calls, emails or visits to the workplace. Managers should ensure that the employee is aware a record is being kept. These records may be used if the employee wishes to consider formal action or apply for an injunction at a later date.

7 Practical measures for employees

7.1 Any Richmond and Wandsworth Council employee who is experiencing or has experienced domestic violence and abuse has the right to raise the issue with their manager in the knowledge that the Council will treat the matter effectively, sympathetically and confidentially. If you are experiencing domestic violence or abuse; don't suffer in silence; you can get help.

7.2 The Council has an Employee Assistance Programme (EAP) which is available to all staff to access on a confidential basis. There are trained counsellors available to provide support specifically to individuals with domestic abuse/violence issues. This includes:

- In-the-moment counselling support – whereby a service user is distressed and needs immediate debrief with a counsellor,
- Assessment and referral for specialist support services, or short-term counselling if it is clinically appropriate,
- Support with coping mechanisms,
- Support on legal options available and with managing money or budgets.

7.3 To access the EAP service you can call (free) 0800 243 458 or visit <https://www.workplaceoptions.co.uk> using the log in details
Client ID: Wandsworth Password: employee

Client ID: Richmond Password: employee

- 7.4 Any employee who is experiencing or has experienced domestic abuse also has the option to seek advice from a range of external agencies, including independent advocacy services as well as the police. A full range of local services is to be found at section 12 below.
- 7.5 If you are worried that a colleague may be a victim or a perpetrator of violence or abuse you should speak to your manager in confidence.

8 Confidentiality

- 8.1 Managers must ensure that all employee records are kept confidential. This is particularly important where the employee or the perpetrator is living or working or accessing services locally. It may involve restricting access to files in databases which colleagues, family members, perpetrators or their friends and family may have access to.
- 8.2 For employees experiencing and receiving support for domestic violence it would remain confidential as far as it is reasonably possible within the Council's duty as an employer. Once an employee has told their manager that they are experiencing domestic violence, the manager should reassure them that they will keep the information confidential, unless there are circumstances that warrant sharing it with other agencies to comply with law e.g. where there is reasonable cause to suspect a child is at risk – this must be reported to Children's Services or where there is reasonable cause to suspect that a person has committed a serious offence – this must be reported to the police.
- 8.3 In addition, the victim of domestic abuse should be made aware that if there is a perceived safety risk to their work colleagues it may not be possible for the manager to maintain confidentiality, as those employees would need to be informed so that they could take appropriate precautions.
- 8.4 Where a manager feels information does need to be divulged, they will discuss with the victim of domestic abuse the reasons for doing so and seek their agreement before disclosing any information. The manager may also seek advice from a member of Human Resources team. Agreement will not apply in all cases for example where a child is at risk. Further information on safeguarding can be found via the following links.

<https://wscp.org.uk/>

<https://www.wandsworth.gov.uk/health-and-social-care/children-and-families/report-a-concern-about-a-child/>

<https://kingstonandrichmondsafeguardingchildrenpartnership.org.uk/>

https://www.richmond.gov.uk/services/children_and_family_care/single_point_of_access

9 Challenging Perpetrators

- 9.1 The Councils' expect a high level of conduct from all its employees. Therefore, allegations that an employee may have committed a criminal offence, such as an allegation of domestic violence, may lead to formal disciplinary action especially where the allegations are considered to be relevant to the employee's employment with the Councils, bring either or both of the Councils into disrepute or have a damaging effect upon either or both of the Councils' integrity and reputation.
- 9.2 Such allegations will be regarded as gross misconduct and could lead to dismissal.
- 9.3 Where a manager becomes aware that an employee may be responsible for perpetrating domestic abuse, they should refer to the Disciplinary Code of Practice and the Code of Conduct for Employees and seek advice from their Directorate's Human Resources Business Partner.

[Link to Code of Conduct for Employees](#)

- 9.4 The Council views all acts of violence and aggression towards its employees as serious offences and will take strong and appropriate action against perpetrators who are not employees. This may include issuing formal warnings and civil action for an injunction to ban perpetrators from Council premises where this is appropriate and possible.
- 9.5 In developing a workplace which does not tolerate domestic violence, the employer's response to perpetrators of abuse will be important. Knowledge of the situation may come from work colleagues, outside organisations, or the perpetrator themselves. Should this situation present itself it will require a management response.

10 Commitments

- 10.1 Richmond and Wandsworth Councils will strive to create a working environment that promotes a zero-tolerance attitude to violence and abuse both within and outside the workplace. Employees should feel safe in the workplace as well as being able and confident to seek support.
- 10.2 Richmond and Wandsworth Councils will raise awareness of the issues surrounding domestic violence by working with the Community Safety Division to publish resources, keep the issue high profile with articles in newsletters and yearly campaigns (such as the White Ribbon Campaign) and supporting the multi-agency domestic violence training programme.
- 10.3 Each Council will maintain an up to date page on domestic abuse and where to go for support on the Loop

<https://www.wandsworth.gov.uk/community-safety/domestic-abuse/>

https://www.richmond.gov.uk/domestic_abuse

- 10.4 All new staff and managers will be made aware of the guidance and how to access it as part of their induction.

11 Monitoring

- 11.1 The policy will be reviewed regularly and when there is a change in legislation or best practice with service information updated as necessary between reviews.

12 How to Access Further Information

12.1 Options for support within the council environment may include

- Employee Assistance Programme, 24-hour telephone support service for core staff on a variety of matters including legal; finance; housing and emotional support. Counselling can be arranged if required within 5 days at a suitable location. Call: 0800 243 458 <https://www.workplaceoptions.co.uk>
See section 7.3
- Occupational Health if the situation is impacting on their ability to work
- Community Safety

12.2 The primary domestic abuse services to contact

- **Metropolitan Police** - if in an immediate danger, always call 999. For non-emergencies, dial 101.
- **Richmond borough - Refuge Independent Domestic Violence Advisor (IDVA)** and Outreach Service 020 8943 8188 Monday – Friday 9am-5pm
- **Wandsworth borough - Safety Net IDVA** service 020 7801 1777 Monday – Friday 9am-5pm
- **National Domestic Violence Helpline** 24/7 - 0808 2000 247

12.3 Other services

- **One Stop Shop service in Richmond** - every Thursday at St John the Divine Church Hall, Kew Road, Richmond TW9 2NA between 10am to 1pm
- **One Stop Shop service in Wandsworth** – every Mondays between 10am – 12.30pm at St. Marks Church, Battersea Rise, London SW11 1EJ
- **Galop** - LGBT+ anti-violence charity - London LGBT+ Advice Line 020 7704 2040
- **Men's Advice Line** (for male victims) - 0808 801 0327
- **Mankind Male Victims** (for male victims) - 01823 334244
- **RESPECT** (for those who want to stop being abusive)- 0808 802 4040

12.4 For Advice and Guidance

- Confidential advice and guidance can be sought from HR.
- In addition, confidential advice and guidance may be sought in respect of domestic abuse from the Council's Community Safety Specialist Violence Against Women Manager and MARAC co-ordinators for Richmond and Wandsworth.¹⁰

¹⁰ MARAC; Multi Agency Risk Assessment Conference, is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists

Appendix 1

Domestic Abuse Discussion Checklist

This checklist may be used every time a manager is presented with a disclosure of domestic abuse from a member of staff. It is important to ensure that the manager has done everything they should have to support and help the member of staff. Please note, due to the very nature of domestic abuse, situations and risk can change, develop or escalate very quickly and therefore the Discussion Checklist and the plan of action should be revisited on a regular basis in order to best help the victim and keep them safe. This list is a guide only.

Name of Employee:

Reported to (Name):

Date:

Task	Action/Notes	Date Completed
Ensure that any discussion about the employee's situation takes place in privacy and that their confidentiality is respected as far as possible (unless there are overriding concerns such as child protection)		
What is the situation? <i>Effect on individual</i> <i>Impact on work</i> <i>Do colleagues know</i> <i>Does partner work for council</i>		
Check that no children are at risk?		
What issues and risks are apparent?		
What does the employee want to do?		
What practical measures have been considered at work?		
Options <i>Suggestions – Temporary flexibility on start/finish times</i> <i>Change of work location</i> <i>Screening of external calls/emails from abuser</i> <i>Stress risk assessment</i> <i>Share brief information with any colleagues as additional form of support</i> <i>Prevent lone working</i> <i>Manager to create log of contact/incidents they are aware</i>		
Provide Information about the Employee Assistance Programme		
Discuss whether to report the abuse to the police. Highlight the benefits of doing this		
Does the employee need to see; Occupational Health, a GP or other professional for medical attention		
Signpost the employee to a Domestic Abuse support agency		