

# Domestic Violence at Work Policy

Domestic Violence at Work Policy	Applies to all Council employees
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## Introduction

This document describes the Council's policy and procedure on domestic violence in the workplace, and covers the internal and external support available to employees experiencing domestic violence.

Domestic violence reduces an employee's ability to work and has an economic and attendance impact far beyond any sickness absence resulting directly from the impact of abuse. These indirect costs include time off work talking to lawyers and medical professionals, poor productivity and reduced promotion prospects for the individual as a result of working below his/her potential. Individuals may even lose employment as a result of poor attendance or work performance, or as a result of the need to move to a different area to escape an abuser. Costs to the employer arise from lower productivity due to poor concentration on the part of abused employees, and the possibility of business disruption if a violent partner presents at the workplace.

In cases where an employee is the perpetrator of domestic violence, the impact to the Council would include reputational risk, loss of time at work if they are suspended, disruption in the workplace if they are re-assigned on another task, and/or working pattern, and/or location during the period of the investigation.

## Related policies and documents:

- Capability
- Disciplinary
- Employee Code of Conduct
- Equality and Diversity
- Resolution Policy
- Sickness Absence
- Stress Management Policy
- Whistle Blowing

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**The Domestic Violence, Crime and Victims Act 2004 (c 28) is an Act of the Parliament of the United Kingdom. It is concerned with criminal justice and concentrates upon legal protection and assistance to victims of crime, particularly domestic violence. The offence carries a maximum sentence of 5 years' imprisonment, a fine or both.**

**The Serious Crime Act 2015 (the 2015 Act) received royal assent on 3 March 2015. The Act creates a new offence of controlling or coercive behaviour in intimate or familial relationships (section 76). The new offence closes a gap in the law around patterns of controlling or coercive behaviour in an ongoing relationship between intimate partners or family members. The offence carries a maximum sentence of 5 years' imprisonment, a fine or both.**

The Council has adopted a Domestic Violence at Work policy, which applies to all permanent, contract and temporary staff working for the Council.

The Council recognises that its employees may be amongst those affected by domestic violence and aims, by developing an effective policy, to create a safer workplace, whilst sending out a clear message of zero tolerance to those who perpetrate it.

The policy demonstrates the Council's commitment to:

- i) Protecting employees who experience domestic abuse from harm through supporting and enabling them to access help;
- ii) Working in partnership with other agencies to appropriately support the employee when the Crown Prosecution Service prosecute their abuser;
- iii) Raising awareness of domestic violence so employees understand how to safely signpost colleagues and family to support;
- iv) Providing guidance for employees and management to address the occurrence of domestic violence and its effects on the workplace; and
- v) Not discriminate against anyone who has been subjected to domestic violence, in terms of their existing employment or career development.

For the purpose of this Policy, domestic violence is defined as 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 may include, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

The London Borough of Newham employs approximately 3,000 women and 2,000 men. The ONS stats for Domestic Violence (Crime Survey of England & Wales) show an annual average number of domestic violence victims in London of 250,000 (165,000 women; 85,000 men). NSPCC stats show that 50,000 children in England were identified as needing protection from abuse in 2016. As such it is likely to be a real issue facing our staff.

The controlling nature of most domestic abuse perpetrators means that the abuse will not be confined to their home life. As a minimum, victims are likely to be concerned about what will happen to them when they leave work, and in the worst case scenario, experiencing harassment whilst at work or suffering the impact of abuse.

Research shows that the risk of serious harm escalates to victims at the point of leaving their home or workplace. It is therefore important to recognise that while many victims will relocate their homes to reduce the risk that they face, most are much less likely to be able to relocate their workplaces. This means that victims can often face the risk of being harassed at work.

Domestic abuse is likely to have a significant impact upon a victim's physical and emotional wellbeing, e.g. depression, anxiety, physical injury. This may manifest itself as sickness absence, poor performance, stress, loss of concentration, and/or low morale.

The Council has a duty of care to its employees and should take all steps which are reasonably possible to ensure their health, safety and wellbeing. The requirements in relation to domestic violence are wide-ranging and may manifest themselves in many different ways, such as:

- ensuring a safe work environment;
- protecting staff from bullying or harassment, either from colleagues or third parties;
- protecting staff from discrimination;
- providing communication channels for employees to raise concerns.

It is important to create a safe environment for employees to disclose domestic violence, i.e. a working environment where violence against people is not tolerated or condoned and which is committed to challenging negative attitudes.

When an employee reports domestic abuse to their line manager, this must be treated sympathetically and in confidence. It is important to be clear that the line manager's role is not to advise employees on dealing with domestic abuse but to:

- provide a sensitive and non-judgemental approach
- ensure that confidentiality is respected as far as possible
- recognise that the employee may need some time to decide what to do and may try many different options during this process
- discuss measures to prioritise safety in the workplace
- be aware of what support is available and explore these options with the employee
- managers should keep a written note of discussions as they may be required as evidence

***Where an employee discloses that they are a victim of domestic violence and we know they have children, then we have a safeguarding duty to protect the children. In the first instance, the line manager must escalate to their relevant HR Business Partner, who must in turn immediately request assistance from the Adults and Childrens directorates.***

The range of support that the line manager may provide will depend on the individual circumstances of the case and it is important that they take advice from Human Resources. The support may include:

- paid/unpaid leave to attend relevant appointments (with support agencies, solicitors, to rearrange housing or childcare, or at court)
- temporary or permanent changes to working times and patterns
- changes to specific duties, e.g. to avoid potential contact with an abuser in a customer facing role
- temporary redeployment or relocation
- measures to ensure a safe working environment, examples include:
  - changing a telephone number to avoid harassing phone calls
  - restricting access visibility to calendars and appointments
  - restrict any lone working out in the community etc.
- using other existing policies, including flexible working
- access to counselling/support services in paid time
- an advance of pay

The Council will make every effort to assist an employee experiencing domestic violence. This may include time off from work, as agreed through discussion with the employee and manager, Human Resources and where appropriate, the employee's trade union representative.

Each case will be considered on its merits and managers and employees should agree on a combination of annual leave/flexi-time and paid/unpaid absence; where agreement cannot be reached, departmental management have the right to treat this as sickness absence.

Note: Advice must be obtained from Human Resources where there are any issues as to time off that cannot be resolved at departmental level.

In cases where an employee is the perpetrator of domestic violence, the employee can still access the Occupational Health service and the Council's Employee Assistance Programme. Where appropriate, the employee should be supported to seek relevant help, including being offered additional support by other agencies.

## **5 Complaints against employees**

Complaints involving employees can place stress on both the alleged victim and the alleged perpetrator. Therefore, complaints must be dealt with quickly and wherever possible, in a way that minimises the stress and risk to the employees involved.

While individual circumstances and service needs must always be taken into consideration, the presumption is that working arrangements should be adjusted while complaints are being investigated so that the alleged victim and alleged perpetrator are separated. Reporting arrangements may be changed and either one or both people required to work at a different location.

Human Resources will advise on the options and the Director will take account of the wishes of the people involved and the service needs in reaching their decision; decisions will make no judgement of guilt and no such conclusion may be drawn.

Employees who perpetrate domestic abuse are expected to notify their employer if they are arrested for a domestic violence offence. Employees are also encouraged to seek help, in confidence. However, upon receipt of a disclosure the Council will undertake a risk assessment to

determine whether their behaviour brings into question the individual's suitability to the tasks they are asked to carry out in their role.

***Where an employee discloses that they are a perpetrator of domestic violence and we know they have children, then we have a safeguarding duty. In the first instance, the line manager must escalate to their relevant HR Business Partner, who must in turn immediately request assistance from the Adults and Childrens directorates.***

Employees are encouraged to report any incidents of domestic violence they experience or witness so that the Council can investigate and resolve the matter. The Council will take all such complaints seriously and an employee who makes a complaint of domestic violence will be protected and not be penalised or victimised in any way.

Note: The Council will also instigate an investigation if it has grounds to believe that an employee may have been abusing another work colleague, whether or not there has been a formal complaint.

Employees found to have committed domestic violence where there is a civil or criminal remedy in place (i.e. caution, criminal prosecution, disclosure, injunction etc.), either inside or outside of work, or using Council facilities and equipment, including e-mail and mobile devices, or social media to threaten, bully or harass employees, or clients will be subject to disciplinary action, up to and including dismissal.

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## Confidentiality

The Council will uphold an employee's right to confidentiality whilst also ensuring that they comply with the duty to act on safeguarding concerns if it suspects that children or adults at risk may come to harm or where the employer needs to act to protect the safety of employees. All records concerning domestic abuse will be kept strictly confidential.

All employees are required to comply with the General Data Protection Regulations and must not divulge personal details of other employees, such as addresses, telephone numbers or shift patterns.

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## Training

The Council is committed to ensuring all line managers are aware of domestic violence and its implications in the workplace and will arrange briefing sessions to ensure that they are able to:

- identify if an employee is experiencing difficulties because of domestic violence;
- respond to disclosure in a sensitive and non-judgemental manner;
- provide initial support – be clear about available workplace support including in-house specialist staff where applicable;
- discuss how the organisation can contribute to safety planning;
- signpost to other organisations and sources of support;
- respond appropriately to perpetrators;
- link with the Council policies in a supportive way;
- understand that they are not counsellors.

It is recommended that all staff complete the Domestic Abuse Awareness Training, booked via 1Oracle.

Employee Assistance Programme:

<http://lbn-intranet.lbn.newham.gov.uk/Resources/HumanResources/EAP.html>

Newham website – related pages:

[www.newham.gov.uk](http://www.newham.gov.uk)

Newham One Stop Shop: 0845 451 2547

Newham Housing Options: East Ham Town Hall Annexe, 330-354 Barking Road, E6 2RT

External Pages:

[www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk) or call the Freephone helpline: 0808 2000 247  
(run in partnership between Women's Aid [www.womensaid.org.uk](http://www.womensaid.org.uk) and Refuge [www.refuge.org.uk](http://www.refuge.org.uk))

[www.respect.uk.net](http://www.respect.uk.net)

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

[www.dvip.org](http://www.dvip.org)

[www.reducingtherisk.org.uk](http://www.reducingtherisk.org.uk)

<http://www.galop.org.uk/>

[https://www.london.gov.uk/sites/default/files/vawg\\_strategy.pdf](https://www.london.gov.uk/sites/default/files/vawg_strategy.pdf)

[www.childline.org.uk](http://www.childline.org.uk) or call Childline: 0800 1111

[www.nspcc.org.uk](http://www.nspcc.org.uk)

<http://staysafe-east.org.uk> or Tel: 0208 519 7241