

APPENDIX 4

Joint Agenda Item 6a



Draft

Joint Council for Wales

Joint Statement on Domestic Abuse



Draft JCW Joint Statement on Domestic Abuse

The Joint Council for Wales has adopted the Welsh National Domestic Abuse Strategy definition of domestic abuse, an extract of which states that:

'Domestic Abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship.'

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse's or partner's property, their isolation from friends, family or other potential sources of support, threats to others including children, control over access to money, personal items, food, transportation and the telephone, and stalking.

Domestic abuse is not a "one-off" occurrence; it is frequent and persistent.'

The Joint Council for Wales notes the publication of 'Call to End Violence against Women and Girls' (25th November 2010) followed by the 'Call to End Violence against Women and Girls Action Plan' (8th March 2011) and acknowledges that public sector organisations have an important role to play in addressing the problem of violence against women and girls.

The Joint Council for Wales acknowledges that public bodies also have duties to promote gender equality in the services they provide and in the employment of their staff.

The Joint Council for Wales is concerned that:

Domestic abuse is still largely a hidden crime: those who have experienced abuse from a partner or ex-partner will often try to keep it from families, friends, or authorities. For all these reasons, and others, victims of abuse are likely to experience repeated attacks before they report the abuse to anyone – and statistics can only be based on known data. On average, 35 assaults happen before the police are called. (Jaffe 1982)

While the majority of incidents of domestic violence recorded by the police involve male-to-female abuse, little is known about the nature of the incidents where men are recorded as victims and women as perpetrators, nor about the circumstances where both partners are recorded as perpetrators.

Domestic abuse is gendered – the majority of perpetrators are men and between 80-95% of those who experience it are women, although it does also occur against men in heterosexual relationships, in same sex relationships and against bisexual and transgender people.

At least one in four people in same sex relationships will experience abuse in a relationship in their lifetime. Most survivors of same sex domestic abuse do not report to public agencies. This is partly because they see their experience as their own problem, and partly because they do not believe they will receive a sympathetic response. (Comparing Domestic Abuse in Same Sex and Heterosexual Relationships by Catherine Donovan, Marianne Hester, Jonathan Holmes & Melanie McCarry, November 2006)

Nearly one million women experience at least one incident of domestic abuse each year; nearly 20,000 women a week. (British Crime Survey 2007/08).

Domestic abuse alone costs UK businesses in excess of £2.7 billion each year due to decreased productivity, poor performance, absenteeism, and employee turnover. (Walby S. The Cost of Domestic Violence, Women and Equality Unit, 2004).

In addition domestic abuse can contribute to unhealthy stress levels in staff, and where domestic abuse spills into the workplace it can threaten the safety of all employees.

Domestic violence also affects other staff who may:

- Have to fill in for absent or non-productive colleagues
- Feel resentful of victims needing time off or receiving extra attention
- Try to “protect” victims from unwanted phone calls and visits
- Be completely unaware of how to intervene, often feeling helpless and distracted from their work
- Fear for their own safety in the workplace

Research shows that in the UK, in any one year, more than 20% of employed women take time off work because of domestic abuse, and 2% lose their jobs as a direct result of it. (Walby and Allen, 2004)

The Joint Council for Wales believes that developing workplace initiatives makes good business sense because it enhances employee well being and productivity and reduces abuse-related costs.

When employers are proactive in responding to domestic abuse by raising awareness of the issue, creating a safe working environment, and publicising the authority's response to the issue, employees feel more able to name their own or their colleagues' problems as domestic abuse.

Authorities can also play a key role in promoting awareness of the issue in the wider community, provide support for charities, and at the same time raise the profile of the organisation.

The Joint Council for Wales recommends authorities ensure that workplace domestic abuse policies and procedures are in place, and recommends that the WLGA Policy protocol on Domestic Abuse in the Workplace be adopted as the basis for policy review and development.

The Joint Council for Wales supports its trade unions in raising awareness of domestic abuse and supporting their members.

Trade unions should be fully consulted when policies and procedures are drawn up and when reviewed.

Appendix 1 sets out the Joint Council for Wales guidance on areas that should be included in domestic abuse policies and procedures.

The WLGA Policy protocol on Domestic Abuse in the Workplace is at Appendix 2.

Further guidance

www.refuge.org.uk

Refuge offers a range of services which give women and children access to professional support whatever their situation.

www.respect.uk.net

Respect is the national association for professionals working with people to end their abusive behaviour.

Refuge and Respect have worked together to produce a comprehensive resource designed to help employers and HR professionals respond to employees who are victims or perpetrators of abuse, Details can be found at

<http://www.respect.uk.net/pages/the-domestic-violence-resource-manual-for-employers.html>

www.womensaid.org.uk

Women's Aid is the key national charity working to end domestic violence against women and children. They support a network of over 500 domestic and sexual violence services across the UK

www.broken-rainbow.org.uk

Support for lesbian, gay, bisexual and transgender (LGBT) people experiencing domestic violence.

See also the WLGA Policy protocol on Domestic Abuse in the Workplace for Wales – based guidance.

APPENDIX 1

ELEMENTS WHICH SHOULD BE COVERED BY POLICIES AND PROCEDURES ON DOMESTIC ABUSE

The Joint Council for Wales recommends that policies and procedures should cover:

1. Principles and commitment
2. Definitions of domestic violence
3. Relevant legal obligations towards staff
4. HR's role and the provision of appropriate awareness raising / training to include:
 - Understanding domestic abuse and safety issues
 - How to respond to victims and perpetrators
 - How to signpost to support services (women's aid; health; housing; legal, children etc)
5. Confidentiality, right to privacy issues and record keeping
6. Management of ongoing safety issues and measures to ensure a safe working environment
7. Dealing with Perpetrators of domestic violence
8. Appropriate support to survivors which can include:
 - Special Leave
 - Temporary or permanent changes to working times and patterns
 - Changes in specific duties,
 - Redeployment or relocation
 - Measures to ensure a safe working environment,
 - Training courses for survivors/time off to attend
9. Links with other existing policies (flexible Working policy, harassment and bullying, sickness absence monitoring, supervision and performance) monitoring, confidentiality, redeployment, health and safety, risk assessments, disciplinary and grievance, code of conduct)
10. Sources of advice and support and how to contact them

11. Methods of awareness raising and publicising the policy and support available to all staff
12. Monitoring and review through working together with trade unions

APPENDIX 2



WLGA • CLILC

DOMESTIC ABUSE IN THE
WORKPLACE
POLICY PROTOCOL



February 2011

WELSH LOCAL GOVERNMENT ASSOCIATION

Domestic Abuse in the Workplace Policy Protocol

1.0 PURPOSE

The WLGA recognises the impact of domestic abuse and similar acts of violence within our communities. This protocol has been developed to encourage and assist local authorities in Wales to build on existing good practice and put in place policies and procedures for managing domestic abuse within the workplace.

More detailed actions are contained in section 3.0.

2.0 BACKGROUND

2.1 Introduction

Local government already has a role in the prevention of domestic abuse and support to victims of through its involvement in Community Safety Partnerships as part of its wider Community Leadership role. This WLGA protocol reinforces Welsh local government's commitment to tackling domestic abuse by aiming to ensure that all local authorities as employers also have in place a workplace policy.

2.2 Definition of Domestic Abuse

The WLGA has adopted the Welsh National Domestic Abuse Strategy definition of domestic abuse and extract of which states that:

'Domestic Abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship.'

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse's or partner's property, their isolation from friends, family or other potential sources of support, threats to others including children, control over access to money, personal items, food, transportation and the telephone, and stalking.

Domestic abuse is not a "one-off" occurrence; it is frequent and persistent.

The full definition recognises that any person can be the victim of domestic abuse: Women and men can be victims of domestic abuse in heterosexual relationships; domestic abuse can also take place in lesbian, gay, bisexual and transgender relationships. Disabled people can be particularly vulnerable as can older people. The inclusion in the full definition of violence between family members ensures that issues such as 'honour crimes' are fully reflected. The definition also acknowledges that children/young people can be victims of domestic abuse, and that domestic abuse cuts across age, race, and religion. Also domestic abuse is not necessarily a physical act as it can take many forms.

Importantly, however, while the definition accepts that men can also be victims of domestic abuse, it recognises that the great majority of domestic abuse is perpetrated by men against women and their children.

2.3 Domestic Abuse in the Workplace

Domestic abuse is not a private matter and can impact greatly on an individual's working life. Research shows that 75% of domestic abuse victims are targeted at work. It is often possible for perpetrators to use workplace resources, such as telephones, email and other means, to threaten, harass or abuse their current or former partner.

Domestic abuse can be a performance and productivity concern. The effects of domestic abuse can include decreased productivity, lateness, stress, absenteeism, errors and increased employee turnover.

Research demonstrates for example that:

- 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 at least three days of work a month.

Colleagues may also be affected; they may be followed to or from work, or subject to questioning about their victim's contact details or location. They may have to cover for other workers while they are off, try to fend off the abuse and fear for their own safety. Furthermore, colleagues can also be unaware of the abuse, or not know how to help.

It is also important to recognise that while domestic abuse impacts on the health, safety and wellbeing of employees, for some women the workplace can be the safest place to be. A supportive workplace is essential to ensure that routes to safety can be achievable.¹

Further background information is contained in the Guidance Document ¹'Domestic abuse is your business' Equality and Human Rights Commission.

http://www.equalityhumanrights.com/uploaded_files/Wales/guidelines_on_domestic_abuse_workplace_policy.pdf

3.0 ACTIONS and EXPECTATIONS OF LOCAL AUTHORITIES

3.1 Workplace Policy and Statement of Commitment

Local authorities in Wales recognise the importance of having in place a workplace policy that opposes and condemns any form of domestic abuse in the workplace, and will develop procedures to ensure that victims of domestic abuse feel safe and supported at work and that action is taken against perpetrators of domestic abuse who are either employees or enter the workplace.

3.2 Adherence to a set of Overarching Principles

To support this approach it is recommended that local authorities make provision for the following in their Workplace Policy on Domestic Abuse:-

- i. The provision of support to employees who are experiencing domestic abuse in their personal relationships ensuring that the matter is treated seriously, compassionately, and confidentially
- ii. Raising awareness of domestic abuse, its implications for the services provided and its effects within the workplace;
- iii. Ensuring all employees understand the important roles they can play in tackling domestic abuse
- iv. To provide a working environment that removes the perception or fear of stigma for employees who have experienced domestic abuse and prevents inappropriate judgments being made by colleagues
- v. To clearly set out what the local authority will do if employees are found to be perpetrators of domestic abuse
- vi. Ensuring that approaches taken to support victims consider all relevant issues and does not inadvertently make the situation worse.

3.3 Actions To Support The Policy Principles

Local authorities in Wales will aim to develop these principles into a series of actions that ensures the workplace policy is effective in supporting those who are victims of domestic abuse so that they feel safe at work and in taking action against perpetrators of domestic abuse who are employees or who enter the workplace.

To assist authorities as employers meet this aim the EHRC Guidance Document provides a range of actions that authorities can take to support the policy principles. (See below – Supporting Good Practice).

4.0 SPECIFIC LOCAL AUTHORITY CONSIDERATIONS and ISSUES

This protocol recognises that some of the actions required under the policy principles will need careful examination and the following issues are identified that local authorities may need to consider.

4.1 Limits of Confidentiality

Whilst confidentiality is a key element to ensure that victims make disclosures and seek support it should be borne in mind that the local authority will have specific responsibilities under POVA (Protection of Vulnerable Adults) and the All Wales Child Protection Procedures. The implementation of this protocol and any local policy must have regard to these procedures which aim to protect those who are vulnerable from possible harm.

4.2 Disclosure of Information

A victim of domestic abuse will need to feel comfortable about disclosing information about their circumstances and may not always choose to disclose to their manager. Policies and programmes of awareness should reflect that co-workers, friends, trade union representatives and those in other specialist roles like Occupational Health Staff or Counsellors may be the first point of disclosure and need to understand what they should do. This will impact on training and awareness programmes

4.3 Management Training, Awareness and Skills

As with any policy, training will be required to ensure its effectiveness. Any training programme should recognise those issues raised above – Confidentiality and Disclosure – but also enable managers and colleagues to be able to recognise the signs where employees are experiencing domestic abuse. Further guidance is contained in the EHRC materials in the Supporting Good Practice section and Appendix A -*Recognising and Supporting staff who are Victims of Domestic Abuse*.

4.4 Dealing with Perpetrators

Authorities will need to develop procedures to respond to perpetrators who turn up at the workplace or contact and harass victims at work. Authorities may need to look at access to buildings, hours of work, and the use of the telephone and IT systems to contact victims. Authorities will need to develop arrangements to inform the Police to take more formal action against perpetrators.

Authorities will also need to develop procedures to deal with perpetrators who are employees. They will need to develop procedures to again involve the Police if they recognise criminal acts are being performed against victims by members of staff. The policy should state that authorities will not tolerate this action and will take appropriate steps to deal with perpetrators who are members of staff.

The local authority may also encounter situations such as forced marriages or honour crimes. These are very specialist domestic abuse issues. Our communities and workplaces are becoming much more diverse and it is important that staff and managers are aware that one of their colleagues may be facing these issues. Further information that can be made available to staff is contained in Appendix B - *Domestic Abuse: Forced Marriages and Honour Crimes - Information for Staff and Managers*

5.0 IMPACT ON OTHER POLICIES & PROCEDURES

In developing procedures to help and manage employees who are victims of domestic abuse, and in striving to provide a workplace where staff feel safe and supported, it may be necessary to review a range of existing policies that may have an impact. These may include:-

- Sickness absence procedures
- Flexible Working Arrangement
- Medical Appointments Procedures
- Special Leave Policies
- Maternity Leave

These issues can have an impact upon victims of domestic abuse and how they are managed, and it is important that authorities review these and other policies to ensure that they have a positive impact in supporting victims of domestic abuse.

6.0 DOMESTIC ABUSE CO-ORDINATORS

Domestic Abuse Co-ordinators who provide services to victims of domestic abuse in the community are already in place within the local authority area. Most of these are employed by the Councils themselves with the remainder based within partner organisations. Authorities should ensure that the important role they play is recognised along with the need to link up with wider service developments in the local authority area.

7.0 SUPPORTING GOOD PRACTICE

There are a range of support materials that have been developed to provide further options and actions that councils can take in supporting and implementing this important policy.

Guidance for Developing A Domestic Abuse Workplace Policy

http://www.equalityhumanrights.com/uploaded_files/Wales/guidelines_on_domestic_abuse_workplace_policy.pdf

Employers Campaign Pack

http://www.equalityhumanrights.com/uploaded_files/Wales/final_employers_workplace_campaign_pack.pdf

Leaflet - Why should employers take action

http://www.equalityhumanrights.com/uploaded_files/Wales/dom.abuse-6ppa5-lowres.pdf

Posters http://www.equalityhumanrights.com/uploaded_files/Wales/dom.abuse-6ppa5-lowres.pdf

Training – Powerpoint Presentation

[http://www.equalityhumanrights.com/uploaded_files/Wales/domestic_abuse_is_your_business_presentation.ppt#257,1,](http://www.equalityhumanrights.com/uploaded_files/Wales/domestic_abuse_is_your_business_presentation.ppt#257,1)

Bridget's story: The Business Case for Having a Policy

http://www.equalityhumanrights.com/uploaded_files/Wales/bridgethandout2.pdf

*Recognising and Supporting staff who are Victims of Domestic Abuse**Some of the signs of Domestic Abuse*

- Lateness or high absenteeism without sufficient explanation;
- Uncharacteristic depression, anxiety, distraction or problems with concentration;
- Changes in the quality of work performance for no apparent reason;
- Obsession with time, avoiding lunch breaks or socialising outside work;
- Inappropriate or excessive clothing;
- Repeated injuries, unexpected bruising or explanations that do not fit the injuries displayed;
- Increased hours being worked for no apparent reason.
- Excessive make-up to disguise bruising or 'crying' eyes

Disclosure

The manager may not be the person approached for advice or help in the first instance. It may be in some cases another manager, colleague, HR Advisor or trade union representative. Anyone contacted for support should take a non-judgmental approach and be prepared to:-

- Listen, reassure and take seriously what is being disclosed;
- Respond in a sensitive and supportive way and ensure the employee is provided with up-to-date information and aware of all the options open to them;
- Actively support the employee to choose an appropriate safe option but recognise and respect their right to decide;
- Ensure that the employee's safety and well-being is prioritised;
- Ensure all discussions take place in privacy and are kept confidential in all but the most exceptional circumstances. These will be where there is a legal requirements to disclose information about other parties such as children and vulnerable adults e.g. POCA and POVA
- Be aware that the employee may need time off work to make personal arrangements and seek specialist advice and support;
- Be aware that there may be additional issues faced by an employee because of their age, gender, sexuality, ethnic background or disability.