



POLICY AND RESOURCES SCRUTINY COMMITTEE - 11TH NOVEMBER 2014

SUBJECT: DRAFT DOMESTIC ABUSE, GENDER-BASED VIOLENCE AND SEXUAL VIOLENCE POLICY AND GUIDANCE FOR MANAGERS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 This report seeks the views of Members on the revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy and Guidance Notes for Managers prior to presentation to Cabinet.

2. SUMMARY

- 2.1 According to the Corporate Alliance Against Domestic Violence, 75% of those experiencing domestic abuse are targeted at work. Perpetrators may attempt to threaten, harass or abuse victims using workplace resources such as phones and email. Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1999), the Council has legal responsibilities in promoting the welfare and safety of all employees. The Council's current Policy and Guidance Notes were introduced in July 2005 and therefore require review and updating. The changes to the Policy and Guidance Notes include updated statistics, definitions and contact details of support available for employees and managers.

3. LINKS TO STRATEGY

- 3.1 The Scheme links to the People Management Strategy and therefore to all other strategies, including all equality strategies, policies and procedures, that relies on employees to deliver the strategy and service provision.

4. THE REPORT

- 4.1 According to the Corporate Alliance Against Domestic Violence, 75% of those experiencing domestic abuse are targeted at work. Perpetrators may attempt to threaten, harass or abuse victims using workplace resources such as phones and email. Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1999), the Council has legal responsibilities in promoting the welfare and safety of all employees. The Council's current Policy and Guidance Notes were introduced in July 2005 and therefore require review and updating. The changes to the Policy and Guidance Notes include updated statistics, definitions and contact details of support available for employees and managers.

- 4.2 Victims of domestic abuse/violence may experience physical injury, homelessness, low self-esteem, social exclusion and depression. Domestic abuse and violence may have a detrimental affect on a victim's working life which can include absenteeism, harassment / abuse at the workplace, decreased productivity, performance and morale. Whilst employees are more likely to be affected by domestic abuse, rape and sexual violence and harassment are often interlinked with domestic abuse. As an employer, the Council has the potential to reach and support a significant number of victims.
- 4.3 The 10,000 Safer Lives Project commissioned by the Minister for Local Government and Communities highlighted that effective workplace policies can lead to better outcomes for victims and included this as one of the proposed eleven minimum standards for public services in Wales. The Welsh Government White Paper Consultation on legislation to end violence against women, domestic abuse and sexual violence issued in November 2012 also proposed a duty for all public sector employers to have a violence against women, domestic abuse and sexual violence workplace policy.
- 4.4 As part of its work to implement the 10,000 Safer Lives Project, Welsh Government has been liaising with public services to introduce or review workplace policies. Advice was received from the Welsh Government's Community Safety Division that the Policy title and definitions should include the terms 'violence against women' and 'sexual violence' in addition to 'domestic violence/abuse'. The use of the term 'violence against women' is also in line with Equality and Human Rights Commission guidance due to the disproportionate affect of violence on women.
- 4.5 In June 2014 the Welsh Government introduced the Gender-based Violence, Domestic Abuse and Sexual Violence Bill. The Bill proposes a duty on Local Authorities to publish strategies aimed at ending gender-based violence, domestic abuse and sexual violence, however, the duty to have a workplace policy, as proposed in the White Paper, has been removed. The title also differs, with the term 'violence against women', being replaced by 'gender-based violence'. It should be noted that the Bill is subject to scrutiny over the coming months and may be subject to change. During consultation, the Council's Trade Unions advised that they did not agree that the Policy should make a specific reference to 'violence against women' and that the Policy should be gender neutral. Following discussions with Welsh Government the term 'violence against women' has been replaced with 'gender-based violence' which reflects the terminology used in the Gender-based Violence, Domestic Abuse and Sexual Violence Bill.
- 4.6 The revised Policy and Guidance Notes outline how the Council will respond where it becomes aware that an employee is a victim of domestic abuse/violence including appropriate measures to safeguard the employee at work and support mechanisms available. The Policy and Guidance Notes also provide advice on: recognising the signs of domestic abuse and violence; asking questions of employees; ensuring employees' safety and referring to the appropriate support agencies; as well as dealing with employees who are perpetrators or alleged perpetrators of domestic abuse/violence.
- 4.7 The revised Policy and Guidance for Managers includes updated definitions for domestic abuse, gender-based violence and sexual violence and statistics. The list of support services available to managers and employees has been included in the Guidance for Managers and has been considerably reduced from the current Policy to provide key contacts such as the Caerphilly Multi Agency Centre, the Council's Employee Assistance Programme and the All Wales Domestic Abuse and Sexual Violence Helpline. Following feedback from the Council's Trade Unions, information has also been included on the Domestic Violence Disclosure Scheme and Protection Orders to highlight services and support available through the Police.
- 4.8 The new Policy and Guidance Notes will be publicised on the HR Support Portal and Wellbeing@Work intranet pages. A training programme for managers will be developed and delivered by the Domestic Abuse Co-ordinator. The Council has also recently been awarded the White Ribbon Status Award for organisations wishing to demonstrate their commitment to ending violent behaviour against women. The review of the policy will assist the Council in

working towards the actions contained in the White Ribbon Campaign Award Action Plan.

5. EQUALITIES IMPLICATIONS

- 5.1 Issues of domestic abuse are very closely linked to Equalities issues, as domestic abuse cannot be separated from gender, age, sexual orientation or disability issues. The updated policy and guidance links the two agendas in order to ensure that any employees covered by the protected characteristics are also covered by the Policy.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications of introducing the revised Policy and Guidance Notes.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications of introducing the revised Policy and Guidance Notes.

8. CONSULTATIONS

- 8.1 The report reflects the views of the Consultees listed at the end of the report. There are no other views other than those reflected in the report.

9. RECOMMENDATIONS

- 9.1 That Scrutiny members consider the contents of the report and the draft revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy and Guidance Notes and make a recommendation to Cabinet for adoption of the revised Policy and Guidance Notes.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The introduction of the revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy will:
- Raise awareness of domestic abuse, gender-based violence and sexual violence
 - Provide advice and guidance for managers to assist in mitigating the risks related to domestic abuse/violence and to create a safe workplace
 - Assist managers and employees who may be affected by domestic abuse/violence to identify sources of support available
 - Send out a strong message that domestic abuse/violence is unacceptable

11. STATUTORY POWER

- 11.1 Local Government Act 1972
Local Government Act 2000
Employment Act 2008

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HR Service Manager (Customer Services)
HR Service Manager (Strategy and Operations)
HR Managers
Head of Legal and Democratic Services

Senior Policy Officer (Welsh Language and Equalities)
Community Safety Manager
Domestic Abuse Coordinator
Welsh Government Community Safety Unit
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Chief Executive's Joint Consultative Committee

Appendices:

- Appendix 1 Draft Domestic Abuse, Gender-based Violence and Sexual Violence Policy
Appendix 2 Draft Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers

Background papers:

- Equality and Human Rights Commission (2013), 'The proposed violence against women, domestic abuse and sexual violence duty: Guidance for developing an effective workplace policy'
- Equality and Human Rights Commission and CIPD (2013), 'Managing and Supporting Employees Experiencing Domestic Abuse'
- Welsh Government (2014), 'Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill'
- Welsh Government (2014), 'The Right to be Safe: Violence against Women and Domestic Abuse Strategy'
- Welsh Government (2012), 'White Paper: Consultation on legislation to end violence against women, domestic abuse and sexual violence (Wales)'
- 10,000 Safer Lives Project: Final Report (2012)