

DRAFT DOMESTIC ABUSE, GENDER-BASED VIOLENCE AND SEXUAL VIOLENCE POLICY

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| Policy Ratified by: | Human Resources |
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| Area Applicable: | All Caerphilly employees except School based employees unless the School Governing Body has adopted the Scheme. |
| Review Year | 2017 |



| SECTION | PAGE NO |
|---|----------------|
| <u>Introduction</u> | 3 |
| <u>Scope of the Policy</u> | 3 |
| <u>Guiding Principles</u> | 3 |
| <u>Definitions</u> | 4 |
| <u>Impact of Domestic Abuse and Violence on Victims</u> | 5 |
| <u>Confidentiality</u> | 5 |
| <u>Role of Colleagues</u> | 5 |
| <u>Support</u> | 5 |
| <u>Record Keeping</u> | 6 |
| <u>Dealing With Employes Who May be Perpetrators of Domestic Abuse/Violence</u> | 6 |
| <u>External Perpetrators</u> | 7 |
| <u>Awareness Raising and Early Intervention</u> | 7 |
| <u>Interpretation of the Policy</u> | 7 |
| <u>Review of the Policy</u> | 7 |

INTRODUCTION

1. Caerphilly County Borough Council recognises that some of its employees may be amongst those affected by domestic abuse/violence either as: a survivor, an individual who is currently living with domestic abuse/violence, someone who has been affected by a domestic homicide or as an individual who perpetrates domestic abuse/violence. In 2011-12 domestic abuse accounted for 30% of all violence against the person offences in Caerphilly County Borough.
2. The Council believes that everyone has the right to live free from fear and abuse. The Council is committed to developing a workplace culture in which there is zero tolerance for violence and which recognises that the responsibility for domestic abuse lies with the perpetrator.
3. The Council is committed to reducing domestic abuse and violence and this policy sets out the actions that will be taken in responding to employees who are experiencing domestic abuse/violence and where there are concerns that an employee may be the perpetrator of domestic abuse/violence.
4. By developing an effective Domestic Abuse, Gender-based Violence and Sexual Violence Policy and working to mitigate the risks related to domestic abuse/violence, the Council will create a safe workplace and we will also send out a strong message that domestic abuse/violence is unacceptable.
5. This policy must be cross-referenced with all the relevant Council policies and procedures, especially the Code of Conduct, Leave of Absence Scheme, Violence at Work Policy and relevant legislation. Copies of all the Council's policies and procedures are available on the Council's HR Support Portal, from managers or HR.

SCOPE OF THE POLICY

6. The Council's recognised trade unions have been consulted on this policy.
7. The Domestic Abuse, Gender-based Violence and Sexual Violence Policy applies to all employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment. Throughout this Policy and associated guidance notes the term Domestic Abuse/Violence is used to cover Domestic Abuse, Gender-based Violence and Sexual Violence.
8. The effective date of this policy is 1st January 2015. This policy supersedes all earlier policies.

GUIDING PRINCIPLES

9. 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. This may also impact on colleagues who may have to fend off questions or abuse from perpetrators and therefore fear for their own safety.
10. Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1999), the Council recognises its legal responsibilities in promoting the welfare and safety of all employees.

11. It is a criminal offence to be a perpetrator of domestic abuse/violence and there is a duty of care on the Council to refer incidents of domestic abuse/violence to the appropriate agencies where there may be vulnerable adult or child protection issues.
12. This policy and associated guidance for managers outline how the Council will respond where it becomes aware that an employee is the victim of domestic abuse/violence including appropriate measures to safeguard the employee at work and support mechanisms available. The policy and guidance for managers also provides advice on dealing with employees who are perpetrators or alleged perpetrators of domestic abuse/violence. The Council recognises that there will be employees who are survivors of domestic abuse/violence or secondary victims of domestic abuse homicide and such employees may also wish to make use of the support as outlined in the Guidance for Managers and will be treated sympathetically and confidentially where they raise issues.
13. With one in four women experiencing domestic abuse/violence at some point in their lifetime, the Council recognises the gendered nature of domestic abuse and recognises that the majority of survivors and victims of domestic abuse are women and that the majority of perpetrators are men.
14. However, the Council also recognises that domestic abuse is experienced in same sex relationships, by men from women partners and by family members. This policy is therefore applicable whatever the nature of the intimate relation.
15. Any abuse of the provisions of this policy may lead to the Disciplinary Procedure being invoked. The making of malicious allegations is a very serious matter and any employee who does so may, subject to discussions with the appropriate agency, face disciplinary action.

DEFINITIONS

16. The Government's definition of domestic violence and abuse is:

'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

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.'

17. Gender-based violence is directed against a person on the basis of gender. It is defined in the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill as:
 - 'violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
 - female genital mutilation;

- forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony or marriage (whether or not legally binding)'

18. The Equality and Human Rights Commission defines sexual violence as:

'any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. Sexual assault covers any other sort of sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual'.

IMPACT OF DOMESTIC ABUSE AND VIOLENCE ON VICTIMS

19. Some of the effects experienced by victims of domestic abuse and violence include: physical injury, homelessness, low self-esteem, social exclusion and depression.
20. It is also recognised that 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.
21. As an employer, the Council has the potential to reach and support a significant number of victims. The Council recognises that it has an ethical and moral responsibility to take all reasonable steps to ensure the welfare of all employees in the workplace and to support them in having relationships free from abuse.

CONFIDENTIALITY

22. Employees who disclose experiencing or perpetrating abuse can be assured that the information they provide will be kept confidential as far as possible. However, there are some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults, where the manager needs to act to protect the safety of employees and/or the public, where there is a significant risk to the victim of abuse, of very serious harm or that their life is in immediate risk. As far as possible, information will only be shared with relevant professionals on a 'need to know basis'. Where there are concerns about children or vulnerable adults the manager should refer to the Council's Safeguarding Policies in relation to children and vulnerable adults.
23. Improper disclosure of information, i.e. breaches of confidentiality by an employee, will be taken seriously and may be subject to disciplinary action.
24. If an employee does not wish to discuss the domestic abuse/violence with their manager, the manager should advise them of other specialist agencies that they may consult, as contained in the Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers.

ROLE OF COLLEAGUES

25. The Council encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, managers should ensure that the person is made aware of this policy and that there is internal and external support available.

SUPPORT

26. Employees affected by domestic abuse/violence do not have to keep their experience to themselves; there is help and support available.

27. The Council recognises that developing a life free from abuse is a process not an event and ongoing support will be provided to employees who disclose abuse.
28. Sources of confidential internal and external support available to all employees are outlined in the Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers.
29. Managers may become aware that an employee is experiencing domestic abuse/violence when undertaking procedures in relation to Managing Sickness Absence, Underperformance or Conduct. If an employee discloses, this it must be taken into account as a mitigating factor in line with the appropriate procedure and appropriate help and support offered to the employee as contained in this policy and associated guidance.
30. If an employee is experiencing domestic abuse/violence and there are concerns in relation to the employee's sickness absence, conduct or performance, where possible, these concerns should be raised informally with the employee at the earliest opportunity, unless an issue has arisen which requires a more formal approach in line with the relevant policy.

RECORD KEEPING

31. In line with Health and Safety legislation, the Council has a duty to maintain a safe place of work. This will include monitoring and recording all incidents of violence or threatening behaviour in the workplace in line with the Violence at Work Policy. These may include persistent telephone calls, e-mails and visits to the workplace by the perpetrator.

DEALING WITH EMPLOYEES WHO MAY BE PERPETRATORS OF DOMESTIC ABUSE/ VIOLENCE

32. The Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.
33. If an employee approaches the Council about their abusive behaviour, the Council will provide information about the services and support available, as outlined in the Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers.
34. The Council will treat any allegation, disclosure or conviction of a domestic abuse/violence related offence on a case-by-case basis with the aim of reducing risk and supporting change.
35. Employees are required to advise their manager if they are arrested, given a police caution, charged or convicted of a criminal offence relating to domestic abuse/violence. The manager should seek further advice from HR and Health and Safety in such circumstances, to consider whether this affects the employee's ability to undertake their role, whether action is required in line with the Disciplinary Procedure and discuss any security or safety considerations.
36. Conduct outside of work (whether or not it leads to a criminal conviction) may lead to disciplinary action being taken against an employee because of its employment implications and the fact that it may undermine the confidence the Council has in the employee. There should be an investigation of the facts as far as possible and the provisions of the Disciplinary Procedure will be followed.
37. In considering whether further action should be taken the nature of the conduct and work undertaken by the employee should be considered.

38. The Council will not tolerate any form of abuse or violence within the workplace nor the use of the workplace resources for perpetrating such acts and will deal with perpetrators of such behaviour in line with the Disciplinary Procedure.

EXTERNAL PERPETRATORS

39. If an employee suspects that an external person is a perpetrator of domestic abuse/violence, and is using the Council workplace to commit such acts against an employee, this should be raised directly with their line manager who will take appropriate action to ensure that employees are safe including reporting incidents to Health and Safety in line with the Violence at Work Policy and / or reporting that person to the Police where appropriate.

AWARENESS RAISING AND EARLY INTERVENTION

40. The Council will strive to create an environment, which is alert to domestic abuse and violence and in which employees feel supported to use confidential mechanisms to disclose experiencing or perpetrating abuse/violence.
41. All employees will be made aware of this policy through a range of methods including induction, training, appraisal, leaflets and posters.

INTERPRETATION OF THE POLICY

42. In the event of a dispute relating to the interpretation of this scheme the Head of Workforce and Organisation Development or the HR Service Manager will make the final decision on interpretation.

REVIEW OF THE POLICY

43. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements or contract details, the policy will be amended and reissued.

JANUARY 2015