

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

Version:	Version 2
Policy Ratified by:	Human Resources
Date:	2015
Area Applicable:	All Caerphilly employees except School based employees unless the School Governing Body has adopted the Scheme.
Review Year	2017

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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.
2. The Council is committed to reducing domestic abuse and violence and this guidance and the Domestic Abuse, Gender-based Violence and Sexual Violence 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.
3. This guidance offers advice to managers on recognising the signs of domestic abuse and violence, asking questions of employees, ensuring employees' safety and referring to appropriate support agencies. This Guidance should be read in conjunction with the Domestic Abuse, Gender-based Violence and Sexual Violence Policy.

DEFINITIONS

4. 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.'

5. 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)'
6. 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 ON VICTIMS

7. Some of the effects experienced by victims of domestic abuse/violence include: physical injury, homelessness, low self-esteem, social exclusion and depression.
8. 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.
9. As an employer, the Council has the potential to reach and support a significant number of victims. The information below therefore provides advice and guidance to managers in dealing with employees affected by domestic abuse/violence.

RECOGNISING THE SIGNS

10. If domestic abuse/violence is disclosed, or if a manager becomes aware of domestic abuse/violence (as managers may not be told directly), they need to take a sensitive and non-judgemental approach when dealing with affected employees. Managers should be alert to any changes of behaviour that may signal that an employee may be experiencing difficulties at home. Managers may also become aware of domestic abuse and violence via such activities as Return to Work Interviews after an absence or Performance Development Reviews.
11. Some of the signs which may alert a manager to the fact that an employee is experiencing difficulties outside of the workplace include:
 - Uncharacteristically high absenteeism levels without explanation
 - Arriving late for work or needing to leave early
 - Inappropriate or excessive clothing for the time of the year or work situation
 - Repeated injuries or unexplained bruising or explanations that do not fit the injuries
 - Uncharacteristically depressed, anxious, distracted or having trouble concentrating
 - Changes in the quality of work performance for unexplained reasons
 - Receiving repeated upsetting calls/faxes/emails or being a victim of vandalism or threats
 - Obsession with time or avoiding lunch breaks or socialising outside work
 - Isolating themselves at work
 - Needing time off for appointments
 - The partner exerts an unusual amount of control over their life
 - The partner makes demands over their work schedule
 - Changes in behaviour: may become quiet and avoid interaction
 - Frequent and/or sudden/unexpected medical problems/sickness absences
 - Uncharacteristic or reduced self confidence and self esteem
12. This is not an exclusive or exhaustive list and the effects of domestic abuse will vary amongst employees. A more important sign is when an employee starts to behave in a way that is unusual for them.

ASKING QUESTIONS

13. Research shows that victims of domestic abuse/violence wish somebody had asked them about it. When raising the issue of domestic abuse and violence:
 - Use an appropriate location to ensure confidentiality is maintained
 - Use indirect / non threatening questions such as "how are you feeling? or 'how are things at home?', "are there any issues you would like to discuss with me?"

- Let them know what you have observed, for example: changes in their behaviour and bruising injuries. Ask direct questions such as: “I’m worried about you because...” or “I’m concerned about your safety...”
14. The manager should record this conversation to ensure detailed records are available which may need to be referred to in future discussions. If an employee chooses not to confide in the manager, that decision must be respected. The employee may wish to confide at another time.

RESPONDING TO CONCERNS

15. Employees who disclose experiencing or perpetrating abuse/violence 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 the abuse of very serious harm or that their life is in immediate risk. 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.
16. As far as possible, information will only be shared with relevant professionals on a ‘need to know basis’. Managers should be aware that children could be affected by domestic abuse even if they are not in the same room/house.
17. Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.
18. 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 outlined below.

Responding to concerns that a member of staff is experiencing abuse/violence

19. When responding to disclosures from a member of staff that they are experiencing domestic abuse/violence, managers should:
- Take the employee seriously, listen to them and respond in a sensitive and supportive manner
 - Make the employee aware of how the Council is able to help them
 - Ensure that any discussion about the employee’s situation takes place in private and that confidentiality is respected as far as possible
 - Understand that the employee may not wish to approach their manager and may prefer to involve a third party such as a colleague, trade union representative or external support agency
 - Respect any decisions that the employee may make
 - Be non-judgemental – the employee may need some time to decide what to do and that it can take a long time to break free from a violent/abusive relationship
 - Be aware of what support is available and explore these options with the employee
 - Make the employee aware of the Council’s Employee Assistance Programme (Care First) help line which will offer support to the employee and also provide them with information on the support agencies that are available

SUPPORT

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

21. 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.
22. Sources of confidential internal and external support available to all employees are outlined below and further information can be obtained from the Caerphilly Multi Agency Centre or Community Safety Partnership Team.

Support for Victims

23. Where an employee asks for help or support because they are experiencing domestic abuse/violence the Council will:
 - Allow employees time off, in line with the Leave of Absence Policy, to attend appointments with support agencies or legal representatives
 - Recognise and treat sympathetically the effect of abuse on an employee, which may result in distraction, poor timekeeping, absence, depression or other health related problems
 - Consider advancement of pay, issues surrounding relocation and flexible working, if requested
 - Provide a safe working environment, and take all reasonable steps to protect the employee from threats, intimidation or victimisation, which may be carried over into the workplace
 - Encourage a positive attitude amongst all employees in order to combat domestic abuse
 - Take the employee's view into account at every stage
 - Provide support, advice and guidance via the Council's Occupational Health Department and Care First's counselling and advice service

ENSURING EMPLOYEES' SAFETY

24. Where domestic abuse/violence is disclosed, the manager should consider undertaking a risk assessment to ensure that the potential risk to the employee and work colleagues is minimised. Managers should consult with the affected employee and contact Health and Safety and HR for further advice if required.
25. The manager can encourage the employee to contact a specialist support agency such as the Caerphilly Multi Agency Centre who can undertake a DASH (Domestic Abuse, Stalking, Honour Based Violence) risk assessment. The manager will work with the employee and specialist agency (with the employee's consent) to identify what actions can be taken to increase their personal safety as well as address any risk there may be to colleagues.
26. Managers must undertake a risk assessment where there is a potential for an employee to be exposed to violent/aggressive incidents whilst at work. The manager or nominated person carrying out the assessment must have received suitable risk assessment training. The risk assessment must be carried out in consultation with the employee. Advice on undertaking a risk assessment can be obtained from Health and Safety.
27. Employees suffering from domestic abuse/violence will very often be able to anticipate the ways in which the perpetrator may continue to harass and abuse them in the workplace. Managers should therefore discuss with victims, safety procedures that can reasonably be put in place in order to keep victims and other employees safe. These safety measures may include:
 - Improving security measures to ensure that access to buildings is open to authorised staff only
 - Reminding all staff never to divulge personal information about employees to callers (such as addresses, telephone numbers or shift patterns)

- Reviewing the employee's next of kin information – the ex-partner may still be listed
- Where practical, considering offering temporary or permanent changes to work location, work times and patterns
- Where practical, offering changes in specific duties such as answering phones or working on reception
- Agreeing information to share with colleagues to ensure they know how to respond if the perpetrator rings or calls at the workplace
- Making sure that systems for recording staff whereabouts during the working day are adequate
- Identifying a work contact for support and an emergency contact should the manager be unable to contact the employee
- Consider diverting phone calls and email messages
- Keeping a record of any incidents of violence / abuse in the workplace, including persistent telephone calls, emails or visits to the employee by the perpetrator
- Ensuring that the employee does not work alone or in an isolated area
- Moving the employee out of public view i.e. ensuring they are not visible from reception points or ground floor windows
- Reviewing content of personal information, such as temporary or new addresses and bank details
- Alerting reception and Facilities Management (with consent), including providing a copy of any existing orders against the abuser, a photograph of the perpetrator and details of the perpetrators vehicle (car registration and description)
- Liaising with the Building Manager / Facilities Management to ensure staff car parks have adequate lighting

This is not an exclusive or exhaustive list.

28. Managers should refer to the Violence at Work Policy where an employee has been abused, threatened or assaulted during the course of their duties. Any incidents that occur should be reported to Health and Safety on the 'Violent Incident Report Form' and investigated as appropriate, to ensure that suitable measures are put in place to minimise the likelihood of further incidents.

REFERRING TO THE APPROPRIATE HELP

29. Specialist advice is available for managers dealing with domestic abuse/violence cases from the Caerphilly Multi Agency Centre (MAC) (see contact details below) or the Community Safety Partnership Team on 01443 864374.
30. Managers should refer employees to appropriate agencies that can offer advice, support and guidance as detailed below. Managers or other employees may also need professional advice and support in dealing with cases involving domestic abuse/violence and the support below is available to employees, managers and colleagues of those affected by domestic abuse.

Caerphilly Multi Agency Centre (MAC)

Caerphilly County Borough Council has its own 'one stop shop' of services to support those affected by domestic abuse.

There are a wide variety of frontline services accessible via the MAC, including:

- Safer Caerphilly Community Safety Partnership
- Caerphilly County Borough Council's Social Services
- Gwent Police
- Llamau Women's Services
- Victim Support

- BAWSO – specialist support to black and ethnic minority clients

The Safer Caerphilly MAC is open Monday – Friday, 10am – 4pm.

Tel: 01443 819317

Llamau Women's Services can be contacted 24 hours a day.

Tel: 02920 860255

Care First Employee Assistance Programme

The Care First Service is a confidential service for information and advice or counselling which is available to staff free of charge. The Care First service is independent and calls are treated in the strictest confidence.

Tel: 0800 174319

All Wales Domestic Abuse and Sexual Violence Helpline

The All Wales Domestic Abuse and Sexual Violence Helpline is an information signposting service to help and guide people with experience of domestic abuse or sexual violence, who are in need of information or access to support services. It is a 24 hours, 365 days a year service.

Tel: 0808 80 10 800

Broken Rainbow

Broken Rainbow provides confidential support for lesbian, gay, bisexual and transgender people experiencing domestic abuse

Tel: 0300 999 5428 / 0800 999 5428 (freephone number)

The helpline is open Mondays and Thursdays, 10am-8pm and Tuesdays and Wednesdays, 10am-5pm. The All Wales Domestic Abuse and Sexual Violence Helpline can also be contacted as this is a 24 hours, 365 days a year service.

Dyn Wales

The Dyn Wales Helpline provides free and confidential support to men who are experiencing domestic abuse from a partner.

Tel: 0808 80 10 321

The helpline is open Monday-Tuesday, 10am-4pm, Wednesday 10am-1pm. The All Wales Domestic Abuse and Sexual Violence Helpline can also be contacted as this is a 24 hours, 365 days a year service.

Respect

The Respect Phonenumber for domestic violence perpetrators and professionals offers information about services for those using violence/abuse in their relationships. The Phonenumber is available Monday – Friday, 9am – 5pm.

Tel: 0808 802 4040

In an emergency, call 999.

Domestic Violence Disclosure Scheme and Protection Orders

The Domestic Violence Disclosure Scheme allows an individual to ask the police to check if a new or existing partner has a violent past. If records indicate that an individual may be at risk of domestic violence from a partner, the police will consider disclosing the information.

Domestic Violence Protection Orders ban perpetrators with immediate effect from returning to a residence or from contacting the victim for up to 28 days. This time can allow the victim to consider their options and obtain the support they need.

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

31. The Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.
32. If an employee approaches the Council about their abusive behaviour, the Council will provide information about the services and support available to them including Care First and the Respect Phonenumber.
33. Managers should contact HR should they be made aware of any concerns, allegations or convictions against a member of staff.
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. 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.
36. In considering whether further action should be taken the nature of the conduct and work undertaken by the employee should be considered.
37. The Council will not tolerate any form of abuse or violence within the workplace nor the use of workplace resources for perpetrating such acts and will deal with perpetrators of such behaviour in line with the Disciplinary Procedure.
38. In cases where both the victim and the perpetrator of domestic abuse/violence work for the Council, the Council will take appropriate action. In addition to considering disciplinary action against the employee who is perpetrating the abuse/violence, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace. The manager should seek further advice from HR and Health and Safety in such circumstances on measures that can be put in place to minimise the risk of the victim and perpetrator coming into contact and the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties for one or both employees or withdrawing the perpetrator's access to certain IT programs and systems.

RECORD KEEPING

39. 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.

40. It is important that records are clear and accurate and should give dates, times and locations. Witnesses to such incidents should also be recorded.
41. Managers are responsible for confidentially storing relevant information including risk assessments, records of incidents, action taken and support provided.
42. HR forms in relation to sickness absence and leave of absence, which make reference to domestic abuse/violence should be forwarded to the relevant HR Business Partner Team for secure storage.

January 2015

Draft