

DOMESTIC ABUSE AND THE WORKPLACE GUIDANCE FOR MANAGERS AND EMPLOYEES

1. Introduction

It is statistically likely that within teams and services there will be colleagues / employees who have experienced or are experiencing domestic abuse. Women are more likely than men to experience domestic abuse.

Hackney Council takes extremely seriously the safety of its employees. Hackney Council managers have a duty to respond appropriately to concerns about the safety and welfare of staff members.

Hackney Council takes a 'zero tolerance' approach to perpetrators of domestic abuse.

This guidance applies to all employees of the Council, except school based staff who operate their own policies and guides. In addition, the general approach and principles relating to safety and welfare will also apply to other workers, such as agency workers.

This guidance sits alongside and forms part of Hackney's Violence Against Women and Girls Strategy and Hackney's Violence Against Women and Girls Action Plan.

2. Definitions

Domestic abuse is 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between anyone over 16 who are or have been intimate partners or family members, regardless of gender or sexuality.'¹ The definition of domestic abuse also includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriages, and is clear that victims are not confined to one gender or ethnic group.²

Domestic abuse can be physical violence (ranging from bruising to permanent injury or death); the threat of violence to one's partner or their children; sexual violence; stalking and psychological and/or emotional abuse (such as mental or verbal abuse; threats; belittlement; isolation or control of finances and movement).

3. Staff awareness of domestic abuse

Line managers should ensure that as part of staff induction new employees are given or signposted to this guidance.

¹ 'Definition of Domestic Violence and Abuse', Home Office, March 2013

² 'Information for Local Areas on the change to the Definition of Domestic Violence and Abuse', Home Office, March 2013

Within the six month probation period managers should confirm that the new employee has read this guidance, discuss with the employee any issues in relation to domestic abuse and confirm with them that they know how to access support if needed.

4. Recognising and responding to domestic abuse

Managers should be aware that colleagues and employees of any gender can in their lifetimes experience domestic abuse. Managers should follow an approach known as the '4Rs'.

- **Recognise** the problem (look for signs and ask)
- **Respond** appropriately
- **Refer** on to the appropriate help
- **Record** the details.

Step 1: Recognise the problem

Look for signs:

Signs of domestic abuse will also potentially indicate other issues so it is important that managers do not reach conclusions without further exploration with the staff member concerned. Indicators may be psychological or physical and include –

- A change in work productivity
- Persistent lateness or absence without proper explanation
- Changes in behaviour e.g. being unusually quiet / withdrawn / easily upset
- Regularly having to step out of meetings or stop work to take calls
- Bruises or injuries that are frequent / unexplained.

Ask:

Most people experiencing domestic violence would like someone to ask them (in a sensitive way) about what's happening. Managers should do the following:

- Arrange to meet with the staff member in a room away from view of their colleagues
- Explain the reasons for the manager's concern and that they need to explore if anything is happening at home or in work that the staff member wishes to discuss
- Explain that anything disclosed will be treated in the strictest confidence unless there are safeguarding issues that have to be reported to statutory services e.g. concerns about the safety of children or vulnerable adults. Explain also that as a manager there is an obligation to protect their employee and as such if there are indications that they are at 'high risk' of serious harm through domestic abuse and are not wishing to receive help or report the abuse to police then as a manager they are under an obligation to refer the matter to the MARAC (Multi Agency Risk Assessment Conference) in the employee's local area.
- If you need support with managing the situation contact the Council's Domestic Abuse Intervention Service.

Step 2: Respond appropriately.

If a staff member discloses domestic abuse, managers should be sensitive, be clear the employee is not to blame and emphasise that there is no justification for domestic abuse. Managers should be attuned to any additional issues because of their ethnic background, sex, religion, age, sexuality or disability.

Remind them again that the information they have shared is confidential unless the employee expressly agrees to be referred for help or the manager has significant concerns about safeguarding e.g. about children or vulnerable adults or the employee themselves. Where information may have to be shared e.g. with Children and Young People's Services, managers can call Hackney's First Access and Screening Team and discuss the concerns generally without giving the staff member's details. If a referral needs to be made then the employee should be told of this and the manager should be clear what information they are sharing and with whom. Managers should seek the employee's consent to do so. Consent is desirable but not required. Any referral should be made to the Local Authority in which the employee lives.

The decisions and choices the employee makes must be respected. Decisions (including the decision to leave or remain in an abusive relationship) are rarely straightforward.

Managers should be as flexible as possible to assist employees who are leaving an abusive relationship – this includes allowing up to 5 days (paid) domestic abuse leave to deal with practical issues such as going to court, meeting solicitors and attending counselling.

Managers should ensure the employee is aware of the Employee Assistance Programme and how to access it.

Step 3: Refer on to the appropriate help.

Support is available from both internal and external services. Managers can help employees to access services. For advice and support, managers and employees can contact Hackney's Domestic Abuse Intervention Service:

Telephone 020 8356 4458 / 020 8356 4459 / 0800 056 0905 (free from a landline)
Availability: Monday - Friday 9 a.m. - 5 p.m.
for out of hours emergencies call police 999 / housing 020 8356 2300 /
Refuge 0808 2000 247
Email: dais@hackney.gov.uk

Managers should refer employees to, or share employee's information with, domestic abuse support agencies *only* with their employee's consent. If a manager is concerned that their employee is at high risk of harm as a result of domestic abuse they should refer to the MARAC in the employee's local area; in such cases consent is desirable but not required. The Council's Domestic Abuse Intervention Service can advise managers on how to do this.

Staff members contacting the Hackney DAIS will be informed of the support that can be offered, that DAIS sits within Hackney Council and if they wish to receive DAIS support their information will be treated as highly confidential with the usual caveats around reporting of safeguarding concerns. If the employee wishes to receive

support the DAIS will restrict access to their files. Alternatively if the employee is more comfortable accessing support locally if they live elsewhere or from an independent service then they will be referred on or signposted as they prefer.

Any Hackney employee referred to Hackney DAIS or Hackney MARAC will have their files restricted.

Step 4: Record the details

Managers should keep a record of incidents and action taken in case the issues need to be referred to later. Managers should also inform their line manager and Head of Service.

5. Employee safety

Work is often a place where a perpetrator can locate the employee and continue to abuse, harass or intimidate. This can include harassing or repeated phone calls, notes on their car, emails or unannounced visits to the workplace. The employee may be stalked, physically assaulted or even murdered while travelling to and from work.

Council employees must never divulge personal information about their colleagues (such as addresses, telephone numbers or shift patterns) to anyone without that person's permission.

If a manager is aware that an employee is leaving an abusive relationship they should meet regularly with the employee to check how they are and review anything needed to help keep them safe e.g. working off-site or in a different office, colleagues accompanying them from the office to their car / train station / bus stop, changing their work number etc.

6. Perpetrators of domestic abuse

Anyone who is abusive in their personal relationships is a perpetrator of domestic abuse. Hackney Council takes a 'zero tolerance' approach to perpetrators of domestic abuse.

Domestic abuse is a crime and the Council expects its officers to work within the law. Unlawful behaviour at or away from work may result in a loss of trust and confidence in the employee or the Council; and perpetrators of domestic abuse may be in breach of the Council's Code of Conduct.

Employees must inform their Head of Service and /or Assistance Director if charged with or convicted of a crime. It should also be remembered that anyone alleged of perpetrating domestic abuse in their personal life is under a duty to inform their line manager. Failure to do so may constitute Gross Misconduct:

Domestic abuse breaches the Council's Code of Conduct and **could** constitute Gross Misconduct in the following ways:

- 1) Conceal any serious matter they should reasonably have known to report
- 5) Seriously demean or offend the dignity of others or abuse their position.

7) Threaten, instigate a fight with or assault anyone.

The Council will consider (following a disciplinary investigation) whether the charge or conviction brings the employee's suitability for their job into question and if an allegation of gross misconduct is proven an employee may be dismissed as a result.

Many perpetrators will use workplace resources – working time, phones, email or other means – to threaten, harass or abuse their current or former partner. Any employee who uses Council facilities for this purpose will at the very least be subject to disciplinary action and may be reported to the police.

Managers who learn of an employee behaving in a way that is abusive to children, vulnerable adults or their partners have a duty to report them to police and other statutory services e.g. Children and Young People's Service and Adult Safeguarding.

Any Council service dealing with allegations against Council staff must restrict their files in the same manner as restrictions applied to Council staff who are alleged victims of domestic abuse.

7. Where both the subject and perpetrator work for Hackney Council

In addition to all the considerations above, managers should be alert to the need for the managers of both the victim and alleged perpetrator to be aware of the issues on a need-to-know basis. The manager should consult their Head of Service and their Human Resources Business Partner for advice before sharing information with other managers in the Council.

Where the alleged perpetrator works for the Council their manager should inform them of the importance of not attempting to contact or access information regarding the alleged victim. In addition the manager should, in consultation with their Head of Service, give consideration to whether the alleged perpetrator needs to be relocated and / or temporarily re-assigned to other duties while any police or disciplinary investigation is ongoing.

8. Staff Members who have experienced sexual violence

Managers and colleagues should be aware that, in addition to being at risk of experiencing domestic abuse, their colleagues who are exhibiting concerning behaviours as set out in page 2 of this guidance may have experienced sexual violence either within or outside a relationship with the perpetrator.

Exploring whether a staff member has experienced sexual violence should be done following the same principles as set out regarding exploring and responding to domestic abuse in terms of listening, offering reassurance and support to the staff member. The Domestic Abuse Intervention Service can advise and support as with domestic abuse (020 8356 4459).

If a staff member has been raped or sexually assaulted they should be supported to access help from police and health services but cannot be made to do so and their confidentiality is of the utmost importance. Managers should report sexual violence against an employee only if it has implications for safeguarding e.g. a child or vulnerable adult at risk or if it seems as though the staff member is at risk of serious harm.

Staff may wish to receive confidential advice completely separate from the Council and can be advised of the East London Rape Crisis Service:
<http://www.niaendingviolence.org.uk/rape/> 0207 683 1210