

Domestic abuse policy

(You and work version)

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Document History

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1.0 Introduction

- 1.1 Luton Council recognises that its employees will be amongst those affected by domestic abuse and is committed to promoting zero tolerance of domestic abuse towards, or by, its employees. It is essential therefore, that the working environment promotes the view that domestic abuse is unacceptable and will not be tolerated. This policy also covers the approach to be taken where there are concerns that an employee may be the perpetrator of the abuse.
- 1.2 This policy aims to ensure that all staff and managers are aware of the impact that domestic abuse can have on an individual, a family or wider society, and that all staff know where to seek help and support if they, or a colleague, are affected by domestic abuse. This policy should be read in conjunction with the Domestic Abuse Guidelines and Toolkit which provides a range of practical advice for managers and employees.
- 1.3 This policy is part of the council's commitment to family friendly working, and seeks to benefit the welfare of individual employees/workers; retain valued employees; improve morale and performance; challenge abusive behaviours and enhance the reputation of the council as an employer of choice.
- 1.4 Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992) the council recognises its legal responsibilities in promoting the welfare and safety of all staff.

2.0 Purpose and Scope

- 2.1 The purpose of this document is to:
 - support employees/workers experiencing domestic abuse
 - enable employees/workers to remain productive and at work
 - aid managers seeking to help team members experiencing domestic abuse
 - assist colleagues of those experiencing domestic abuse
 - outline the approach to be taken where there are concerns that an employee may be the perpetrator
 - reinforce organisational corporate social responsibility objectives by demonstrating that the council values, and is prepared to support, staff during difficult periods
- 2.2 This policy:
 - applies to all employees and workers at the council excluding those employed by schools. The council will also offer support to agency and contract workers, volunteers and interns as far as is reasonably possible.
 - should be considered in conjunction with the compassionate and special leave policy, the employee performance policy, the disciplinary policy, the sickness absence policy and the unfair discrimination, harassment and bullying policy
- 2.3 It is the council's expectation that line managers will show empathy and understanding with victims or survivors of domestic abuse and be flexible in their responses to them.

3.0 Domestic abuse - definition

- 3.1 Any incident or pattern of incidents of controlling or 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.

- 3.2 This definition includes so called “honour” based violence, female genital mutilation (FGM) and forced marriage.
- 3.3 This definition can encompass, but is not limited to, the following types of abuse:
- psychological
 - physical
 - sexual
 - financial
 - coercive control /emotional
 - exploitative
 - digital /online
 - stalking
 - harassment
- 3.4 Controlling behaviour is defined as: a range of acts designed to make a person subordinate and/or 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.
- 3.5 Coercive behaviour is defined as: 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.
- 3.6 Ultimately, domestic abuse is the abuse of power and control over one person by another.
- 3.6 It is important to recognise that both females and males can be subjected to domestic abuse from and by a current/ex-partner, their children (aged 16+) or a member of their family or people that they live with. Perpetrators can be either male or female.

4.0 Victims of Domestic Abuse

- 4.1 Whilst it is up to the victim to disclose what is happening to them, there are ways in which a manager may become aware that an individual is being subject to domestic abuse. These may include:
- the member of staff may confide in their colleagues/manager
 - they may tell their manager or colleague something which makes them concerned for their safety
 - staff may inform their manager that a colleague is suffering from domestic abuse
 - there may be obvious effects of physical abuse, or injuries that don't match the explanation given (it is important not to make assumptions)
 - it may come to light as a result of enquiries into a drop in performance or a significant change in behaviour

- the background to poor attendance
- increased contact from a partner, ex-partner or family member to the employee during working hours

4.2 Managers/supervisors who support staff in such matters will show empathy and support ensuring that the employee is aware that support and assistance can be provided.

5.0 Confidentiality and right to privacy

5.1 The council is responsible for the safety and security of all employees at work, including those affected by domestic abuse and their colleagues.

5.2 The council encourages employees at risk from domestic abuse to disclose this so that they can receive support. The council will seek to enable employees to disclose such facts by generating a supportive and open management culture.

5.3 Luton Council recognises the employee's right to privacy. Whilst the council strongly encourages victims of domestic abuse to disclose domestic abuse for the safety of themselves, their family members and all those in the workplace, it does not force them to share this information if they do not want to.

5.4 Employees who disclose experiencing abuse can be confident that the information they provide is confidential and will not ordinarily be shared with other members of staff.

5.5 There are some circumstances in which confidentiality cannot be assured. These occur when there are safeguarding concerns about children or vulnerable adults or where the employer needs to act to protect the safety of employees or a crime has been committed.

5.6 In circumstances where the council has to breach confidentiality, it will seek specialist advice before doing so. If it decides to proceed in breaching confidentiality after having taken advice, the council will inform the employee why it is doing so and it will seek the employee's agreement where possible.

5.7 All records concerning domestic abuse will be kept strictly confidential. No local records will be kept of absences related to domestic abuse and there will be no adverse impact on the employment records of victims of domestic abuse.

5.8 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.

5.9 Employees may prefer to disclose their situation and seek advice direct from a third party, such as a national helpline or a local provider.

6.0 Internal support

6.1 In order to support employees and/or managers who are seeking support in dealing with domestic abuse the council will:

- identify appointed person(s) in the workplace as confidential first points of contact either for those experiencing domestic abuse or their managers
- offer employees experiencing domestic abuse access to independent support, advocacy, counselling etc, and publicise the availability of this support regularly through notice boards, the intranet and ongoing health and wellbeing initiatives; and
- undertake to raise workplace awareness of domestic abuse issues

7.0 External support

7.1 The council will signpost external sources of help and support to employees and managers including information on:

- the **Corporate Alliance against Domestic Violence**, which provides background information for managers and professionals on the workplace implications of domestic abuse
- **Respect**, which provides practical information and advice on domestic abuse for perpetrators, the abused, health and social care professionals and family and friends
- the **National Domestic Violence Helpline**, which provides advice for those experiencing domestic abuse
- The **Independent Domestic Violence Adviser** service hosted by Victim Support and providing domestic abuse support services
- The **Bedfordshire Domestic Abuse Partnership (BDAP)** providing links to local and national agencies who can help you

7.2 Further details of these agencies including website and contact details can be found in the Domestic Abuse Guidance and Toolkit.

8.0 Line managers' role

8.1 Line managers have a crucial role to play in enabling employees experiencing domestic abuse to seek help.

8.2 The role of the line manager is to:

- identify employees experiencing difficulties that could be as a result of domestic abuse (for example using regular check in processes or by fostering an open management culture that enables team members to disclose sensitive issues)

- provide support in the first instance including specific advice on the options available, but also recognise the limitations of their role (managers are not professional counsellors or experts)
- protect confidentiality in all instances (excepting the requirements of child protection/adult safeguarding)
- refer the individual to the appropriate internal or external source of help and support
- ensure that the safety of all employees in the team is protected and
- enable the affected employee to remain productive and at work during a difficult period in their domestic life, for example by using the council's special leave policies and procedures

9.0 Attendance

- 9.1 Where domestic abuse has been reported, line managers will be flexible with unplanned absences and concerns about timekeeping.
- 9.2 Line managers may offer employees experiencing domestic abuse reasonable special paid or unpaid leave for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.
- 9.3 Individual absences can be discussed and agreed between the employee and the line manager, with HR support where appropriate.

10.0 Perpetrators of domestic abuse

- 10.1 Domestic abuse perpetrated by employees will not be tolerated under any circumstances nor will it be treated as a purely private matter. The council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.
- 10.2 If an employee approaches the council about their abusive behaviour, the council will provide information about the services and support available to them.
- 10.3 Where an employee has concerns about a colleague as a perpetrator of abuse they must report their concern to their line manager.
- 10.4 The council will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case-by-case basis.
- 10.5 The council's code of conduct is intended to inform all staff, irrespective of grade, of the standards of conduct expected of them. It identifies a set of principles governing behaviour by which staff members are expected to abide. Staff members are expected at all times to present high standards of personal integrity and conduct that will not reflect adversely on the council and its reputation.
- 10.6 In some circumstances it may be deemed inappropriate for the employee to continue in their current role(s) due to a caution or conviction. The council views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the council's code of conduct for disciplinary purposes.

10.7 This policy can be applicable in cases where an employee has:

- behaved in a way that has harmed or threatened their partner, an ex-partner or a family member
- possibly committed a criminal offence against their partner, an ex-partner or a family member
- had an allegation of domestic abuse made against them
- presented concerns about their behaviour within a current or a historic intimate relationship or with a family member

10.8 The council is committed to ensuring that:

- allegations will be dealt with fairly and proactively with employees who use abusive behaviours
- all employees will receive guidance and support
- confidentiality will be maintained and information restricted only to those who have a need to know
- investigations will be thorough and independent
- all cases will be dealt with quickly avoiding unnecessary delays
- all efforts will be made to addressing the matter and putting support in place

10.9 The policy is intended to be safety focussed and proactive rather than punitive. However, any employee who is responsible for giving advice, or who comes into contact with or supports those vulnerable people or children experiencing domestic abuse needs to be aware of the potential consequences if they are found to be perpetrators. In these circumstances managers have a responsibility to inform the relevant safeguarding team of the concern. Where the employee's responsibilities relate to children the matter should be referred to the Local Authority Designated Officer (LADO). Where the employee's responsibilities relate to vulnerable adults, the Safeguarding Vulnerable Adults team should be informed.

10.10 If an employee is found to be knowingly assisting an abuser in perpetrating the abuse for example by giving them access to facilities or information such as telephone numbers, contact information or email, then they will be seen as having committed a disciplinary offence.

10.11 If an employee is found to have made a malicious allegation that another employee is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken.