



Solihull Metropolitan Borough Council

Domestic Abuse Workplace Policy

(1) This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

Or

(2) For School's (e.g. some Academies) not participating in the Council's Consultation and Negotiation Framework

This Model Policy was provided by the Solihull School's HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.

Domestic Abuse Policy

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Domestic Abuse Policy

1. Introduction

Solihull Metropolitan Borough Council (SMBC) recognises that its employees may be amongst those affected by domestic abuse for example as a survivor of domestic abuse, an individual who is currently living with domestic abuse, someone who has been impacted by a serious act of domestic abuser as an individual who perpetrates domestic abuse.

We are committed to developing a workplace culture in which there is zero tolerance for abuse and which recognises that the responsibility for domestic abuse lies with the perpetrator. SMBC has a 'zero tolerance' position on domestic abuse and is committed to ensuring that any employee who is the victim of domestic abuse has the right to raise the issue with their employer in the knowledge that they will receive appropriate support and assistance. This policy also covers the approach we will take where there are concerns that an employee may be the perpetrator of domestic abuse.

By giving practical advice on domestic abuse and working to reduce the risks, we will be creating a safer workplace and sending out a strong message that domestic abuse is unacceptable. It must also be recognised that in the vast majority of cases, victims will withdraw their complaints and fail to pursue matters. This personal choice must be accepted.

SMBC recognises that domestic abuse is an equalities issue and undertakes to not discriminate against anyone who has been subjected to domestic abuse both in terms of current employment or future development.

This policy is part of SMBC's commitment to family friendly working, and seeks to benefit the welfare of individual members of staff; retain skilled and experienced employees; improve morale and performance; and enhance the reputation of SMBC as an employer of choice.

Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992), SMBC recognises its legal responsibilities to promoting the welfare and safety of all staff, including agency, contract staff and elected members.

2. Definition of domestic abuse

Domestic abuse is defined as:

‘Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who or have been intimate partners or family members regardless of gender or sexuality’

This can include 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’

- This definition, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage. Victims are not confined to one gender or ethnic group. (Home Office 2013)

further information on ‘Honour based violence, forced marriage and female genital can be found in Appendix A.

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse’s or partner’s property, their isolation from friends, family or other potential sources of support, acts of control that regulates their everyday behaviour, deprives them of their means of independence by controlling access to money, personal items, food, transportation, the telephone, and threats, intimidation, humiliation and stalking. It can also include abuse inflicted on, witnessed by or threatened against, children.

- Domestic abuse occurs in all social classes, cultures, and age groups whatever the sexual orientation, mental or physical ability.
- Once it has started it often becomes more frequent and more severe.
- It can severely affect children emotionally and physically.
- Victims are sometimes beaten or harassed by members of their immediate or extended family.

- Domestic abuse is gendered – the majority of perpetrators are men and between 80-95% of those who experience it are women, although it does also occur against men in heterosexual relationships, in same sex relationships and against bisexual and transgender people.
- Domestic abuse is not a ‘one off’ occurrence but is frequent and persistent, aimed at instilling fear into, and compliance from, the victim. On average a victim of domestic abuse is assaulted 35 times before they report the matter to the police.

3. Identification of the problem at work

Whilst it is for the individual themselves to recognise they are a victim of domestic abuse, there are signs which may indicate an employee may be a victim. These may include;

- The member of staff may confide in their colleagues/manager.
- Staff may inform their manager that a colleague is suffering from domestic abuse.
- There may be obvious effects of physical abuse (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.
- It may reveal itself as the background to poor attendance or where victims prefer to be at work rather than at home.

It is essential to understand that any of the above may arise from a range of circumstances of which domestic abuse may be one. Managers/ Supervisors who have to support staff in such matters should address the issue positively and sympathetically ensuring that the employee is aware that support and assistance can be provided.

4. Disclosure of abuse

Where Staff experiencing domestic abuse choose to disclose, report to or seek support from a line manager or colleague. Line managers will not counsel victims, but offer information, workplace support, and signpost to other organisations (Appendix C).

SMBC will respond sympathetically, confidentially to any member of staff who discloses that they are suffering from domestic abuse.

Employees experiencing domestic abuse would normally discuss this with their line manager/ supervisor. In situations where an employee considers this is not appropriate, they may choose to discuss this in confidence with the respective HR Advisor, Trade Union Representative or Equality and Diversity Officer.

5. Confidentiality and right to privacy

SMBC respects employees' right to privacy. Whilst SMBC strongly encourages victims of domestic abuse to disclose what they may be experiencing for the safety of themselves and all those in the workplace, it does not force them to share this information if they do not want to.

Employees who disclose experiencing abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission. There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or adults at risk or where the employer needs to act to protect the safety of employees. In circumstances where SMBC has to breach confidentiality it will seek specialist advice before doing so. If it decides to proceed in breaching confidentiality after having taken advice, it will discuss with the employee why it is doing so and it will seek the employee's agreement where possible. As far as possible, information will only be shared on a need-to-know basis.

All records concerning domestic abuse will be kept strictly confidential. Whilst any periods of absence will need to be recorded, it will not be necessary to record the reason for the absence if this is related to domestic abuse. There will be no adverse impact on the employment records of victims of domestic abuse. 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.

6. Support for individuals

SMBC will provide on-going support for employees who disclose abuse by encouraging employees to seek advice and support from professional advisory groups specialising in dealing with domestic abuse, including the Police who specialise in domestic abuse matters (Appendix C provides a list of useful sources). SMBC will respond sympathetically, confidentially and effectively to any member of staff who discloses that they are experiencing domestic abuse.

In situations where staff, who have or are currently experiencing domestic abuse, find certain aspects of their work distressing, the concerns should be discussed with

the respective manager with a view to exploring ways in which their concerns are supported and the impact minimised.

Where domestic abuse has been reported, line managers will treat unplanned absence and temporary poor timekeeping sympathetically. In the event of prolonged or frequent absence, advice should be sought from HR having particular regard to the Sickness Absence Management Policy . It is necessary to consider a range of options and make appropriate decisions with discretion and sensitivity

Line managers may offer employees experiencing domestic abuse a broad range of support. This may include, but is not limited to:

- Consideration given to paid leave and authorised unpaid leave to attend appointments with relevant support agencies, solicitors, to rearrange housing or childcare, and for court appointments. This will need to be agreed between the line manager and the HR Advisor. For guidance on paid or unpaid leave, refer to the Leave of Absence policy
- Consideration given to temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role.
- Consideration given to redeployment or relocation.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including flexible working.
- Awareness of the Council's Employee Assistance Programme (Appendix B) and counselling/support services provided following referral to Occupational Health.
- Support may need to be offered to protect work colleagues who could, by association, become involved in the domestic situation.

Line managers will respect the right of staff to make their own decision on the course of action at every stage and should avoid being judgemental. It must be recognised that the employee may need some time to decide what to do and may try many different options during this process.

Questions about Domestic Abuse from line managers should be asked sensitively so that the employee can feel safe. The employee may feel ashamed, confused, frightened and even blame themselves. It is important not to deter them from seeking the help they need.

It is also important that managers do not advise the employee on what action to take as some (well meaning) advice may lead to increased risk. Continue to offer support even if the employee is not ready to change their situation.

7. Organisational planning

Information about domestic abuse will be included in induction courses and health and safety courses.

SMBC will work together with partners to provide information on access to appropriate professional local and national assistance, including specialist services, police, help-lines and emergency accommodation.

SMBC will remind staff of the importance of not divulging personal details of other employees, such as addresses, telephone numbers or shift patterns.

8. Training

SMBC will ensure that all line managers are aware of domestic abuse and its implications in the workplace. Information, briefings or awareness raising sessions will ensure that all managers are able to:

- Identify if an employee is experiencing difficulties because of domestic abuse
- Respond to disclosure in a sensitive and non-judgemental manner
- Provide initial support – be clear about available workplace support where applicable
- Discuss how the organisation can contribute to safety planning.
- Signpost to other organisations and sources of support.
- Understand that they are not counsellors.

9. Safety planning

SMBC will prioritise the safety of employees in the workplace if they make it known that they are experiencing domestic abuse.

When an employee discloses domestic abuse, SMBC will encourage its employee to contact a specialist support agency who can undertake a DASH (Domestic abuse, stalking and harassment), and honour based violence risk assessment and make appropriate referrals where necessary.

SMBC will work with the employee and a specialist agency (with the employee's consent) to identify what actions can be taken to increase their personal safety as well as address any risks there may be to colleagues, taking into account the duty of care for all employees.

10. Perpetrators of domestic abuse

Domestic abuse perpetrated by employees will not be condoned under any circumstances.

SMBC recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds. If an employee approaches SMBC revealing that they are a perpetrator of abusive behaviour, SMBC will provide information about the services and support available to them, and will encourage the perpetrator to seek support and help from an appropriate source. Where there is a disclosure, confidentiality will be maintained unless there are issues of safeguarding or to protect the safety of employees.

SMBC will treat any allegation, disclosure or conviction of a domestic violence related offence on a case-by-case basis with the aim of reducing risk and supporting change.

An individual cautioned or convicted of a criminal offence may be subject to an investigation in accordance with the Council's disciplinary procedure. SMBC also reserves the right to take appropriate action should an employee's activities outside of work have an impact on their ability to perform the role for which they are employed and/or be considered to bring the organisation into disrepute.

- Violence and abusive behaviour – wherever this occurs – is a breach of the Employee Code of Conduct and, as such, will be investigated, which could result in disciplinary action being taken.

SMBC is committed to ensuring that:

- allegations are dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure
- where both victim and alleged perpetrator are SMBC employees, priority will be given to ensuring the safety of the parties
- all employees will receive guidance and support
- confidentiality will be maintained and information restricted only to those who have a need-to-know
- all cases will be dealt with quickly avoiding unnecessary delays

NOTE: This procedure is intended to be safety focussed and supportive rather than punitive. The alleged perpetrator will be:

- treated fairly and honestly
- helped to understand the concerns expressed and processes involved.
- kept informed of the progress and outcome of any investigation and the implications for any disciplinary process

- allowed the opportunity to respond to allegations made against them
- Advised of any communication that may have to be made to a professional organisation
- advised to contact their trade union or professional organisation

There are four potential strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- disciplinary action by the employer
- providing specialist, safety-focused counselling
- identifying risk

If a colleague is found to be knowingly assisting an abuser in perpetrating the abuse, for example by giving them access to facilities such as telephones, email or fax machines then they will be seen as having to been party to committing a disciplinary offence and could therefore be subject to disciplinary action.

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse then this will be treated as a serious matter and investigated with a view to disciplinary action being taken.

11. When the victim and the perpetrator work in the same organisation

In cases where both the victim and the perpetrator of abuse work in the organisation, SMBC will take appropriate action.

In addition to considering disciplinary action against the employee who is perpetrating the abuse, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace.

Action may also need to be taken to minimise the potential for the alleged perpetrator to use their position or work resources to find out details about the whereabouts of the victim. In these situations disciplinary action could be taken. However, it is also recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship may choose to seek solutions jointly, and in such situations appropriate support should be given.

In all cases, both the alleged victim and alleged perpetrator will be encouraged to seek professional help whether by reporting matters to the relevant authorities or seeking advice and counselling from those who are trained to deal with such matters.

12. Role of colleagues

SMBC 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, employers should ensure that the person with concerns is made aware of the existence of this policy.

Appendix A

The (WHO) World Health Organisation defines **female genital mutilation (FGM)** as ‘all procedures involving partial or total removal of external female genitalia or other injury to the female genital organs for non-medical reasons’. The practice is medically unnecessary, extremely painful and has serious health consequences, both at the time when the mutilation is carried out and in later life. The practice of FGM derives from complex belief systems, including the beliefs that it is a religious requirement or a necessary rite of passage to womanhood; that it ensures cleanliness or better marriage prospects; prevents promiscuity and excessive clitoral growth; preserves virginity, enhances male sexuality and facilitates child birth. The age of mutilation may range from a few days old to adolescence but the most common age is between 4 and 10. This is a safeguarding issue for those aged under 18 years old.

Forced marriage constitutes domestic violence and, where it affects children and young people, child abuse. Forced marriage is distinct from an arranged marriage because in arranged marriages, although families may take a leading role in choosing the partners, the choice of whether or not to consent to the marriage remains with the potential spouses. In contrast forced marriage is when one or both spouses do not, or in the case of some adults with learning or physical disabilities, cannot, consent to the marriage and duress is involved, which can include physical, psychological, financial, sexual and emotional pressure. Forced marriage affects people from many communities and cultures, - for example, people from black, minority ethnic and refuge communities; lesbian, gay, bisexual and transgender people; and disabled people.

So-called ‘**honour-based violence**’ or ‘honour-crimes’ are terms used to describe different forms of violence, mainly but not exclusively against women, including assault, imprisonment and murder, which is used to control behaviour within families and communities to protect perceived cultural and religious beliefs and/or ‘honour’. Victims are punished for actually or allegedly, undermining what the family or community believes to be the correct code of behaviour. The transgression of the code of behaviour is seen as a weakness which brings shame or dishonour on the family.

There is no dedicated specialist support based in Solihull, however if an employee is experiencing or is involved in any of these situations they should contact Women’s Aid

www.womensaid.org.uk

0808 2000 247 Free phone 24 hr National Domestic Violence Helpline

Drop-in support is available on Wednesdays 10.00am - 4.00pm in the north of the borough and Fridays 10.00am - 4.00pm in the town centre.

Appendix B

CiC Employee Assistance Programme

Solihull Council's employee assistance programme is on hand to help you and offer free advice, information and reassurance, no matter what the situation.

Go to **www.well-online.co.uk**

Username: sbclogin

Password: wellbeing

Call the advice line on **0800 085 1376**

This confidential telephone helpline provided by employee assistance experts, CiC, is on hand 24 hours a day, 7 days a week to help you cope with whatever's happening in your life.

Appendix C

Other sources of support for women and children

1. **Birmingham and Solihull Women's Aid offer:**

- Helpline 0808 800 0028. This number is free from landlines and most mobiles.
- They provide shelter and support for up to 11 women and their children until they are confident enough to live independently.
- Support staff who will work with you on a one to one basis in the community. They provide information, advice, advocacy and support on a range of matters. This includes practical and emotional support with housing, budgets, benefits and legal issues.
- **Drop-in support** is available on Wednesdays 10.00am - 4.00pm in the north of the borough and Fridays 10.00am - 4.00pm in the town centre.

2. **Ashram** provide support to those from black and ethnic minority communities who are vulnerable to housing or personal crisis, including domestic abuse. To contact them call 07719 235 683/ 0300 111 7000 or email **customerfirst@accordgroup.org.uk**.

3. **Solihull MIND** offer:

- A weekly support group for women experiencing or who have experienced domestic abuse.
- An advocate offers representation and support to women who are experiencing or who have experienced domestic abuse.
- To contact them ring 0121 742 4941/0121 743 4237 or email: **contact@solihull.org.uk**.

4. **Victim Support** offer confidential help, support and information. They also provide a Witness Service to help witnesses, victims and their families before, during and after a trial. To contact them ring 0300 303 1977.

5. **Children's Services:** If you are concerned or know that a child is witnessing domestic abuse you can:

- Ring Children's Social Work Services 0121 788 4375 in office hours and out of hours the Emergency Duty Team can be contacted on 0121 605 6060.
- Ring the Talk to your health visitor or other health professional.
- And if you are pregnant you can talk to your midwife.

6. **Solihull LSCB provides key information and advice about safety planning.**

7. **National Centre for Domestic Violence (NCDV)** emergency phone 0844 8044 999. Provides a free, fast emergency injunction service to victims of domestic violence regardless of their financial circumstances, race, gender or sexual orientation

8. **Women's Aid Federation of England**– Freephone 24-hour National Domestic Violence Helpline: 08082000 247,

run in partnership between Women's Aid and Refuge.

www.womensaid.org.uk

- National charity working to end domestic violence against women and children, co-ordinating an England-wide network of local domestic violence services for

women and children including specific provision for Black and minority ethnic women.

Leaflets available on the myths, Housing, and Your Legal Rights, available via the Women's Aid website www.womensaid.org.uk or by contacting Women's Aid directly on 0117 944 4411.

A 12-page leaflet 'Getting Free From Domestic Violence' is available in Arabic, Bengali, Cantonese, English, Greek, Gujarati, Hindi, Punjabi, Somali, Turkish and Urdu

9. **Refuge** – Offer a range of services, including refuges, independent advocacy, community outreach and culturally specific services. **Freephone 24-Hour National Domestic Violence Helpline** 0808 2000 247.
10. **Kiran** provides safe, temporary accommodation for Asian women and their children escaping domestic violence. Tel: 020 8558 1986, www.rdlogo.com/cwp/kawa/index.html
11. **Southall Black Sisters** offer advice, emotional support and help for black and Asian women. Tel: 020 8571 9595

Other sources of support for men If you a man who is experiencing domestic abuse the Men's Advice Line is a confidential and anonymous helpline. The number is 0808 801 0327. This is a free from landlines and most mobiles.

- **Respect** - Help for domestic abuse perpetrators
Tel: 0808 82 4040
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- ManKind helps and advises male victims of domestic violence. Helpline: 0870 794 4124, www.mankind.org.uk

Other sources of support for gay, lesbian and transgender

Broken Rainbow Helpline (Survivors): 020 8539 9507 Helpline (Agencies): 020 8558 8674 A 24 hour helpline service for lesbian, gay, bisexual and transsexual people who are experiencing domestic violence.

London Lesbian and Gay Switchboard

Tel: 020 7837 7324

www.llgs.org.uk

24 hour information, support and referral service for lesbians and gay men.

Other general sources of support

Teachers Support Line

Tel: 08000 562 561

www.teachersupport.info