

Domestic Abuse, Violence & Sexual Violence Policy



ORGANISATIONAL DEVELOPMENT DIVISION

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Version Control

This document is intended for:

- Council staff only School-based staff only Council & School-based staff

Version	Key Changes	Approved By
November 2020	Awarding up to 5 days paid Safe Leave as a supportive measure for staff experiencing Domestic Abuse, Violence and Sexual Violence.	Council

This document may be reviewed and amended at any time and without consultation in response to legal requirements, in line with best practice or in response to an organisational requirement and where the changes do not affect the spirit or intent of the document.

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1. Policy Statement

Domestic abuse, violence and sexual violence (“domestic abuse/violence”) are serious social and criminal problems that account for almost a quarter of all violent crime and have significant human and financial consequences for individuals, families, communities and society as a whole.

We recognise that some of our employees will be amongst those affected by abuse either as a survivor or currently living with domestic abuse/violence, , someone who has been impacted by a domestic homicide or as an individual who perpetrates domestic abuse/violence. We are committed to developing a workplace culture in which there is zero tolerance for domestic abuse/violence in all its forms and recognise that the responsibility for such abuse lies with the perpetrator.

We will endeavour to take all possible steps to help combat the reality of domestic abuse/violence through prevention, protection and support for those employees affected by these issues.

Through the effective implementation of this policy and its commitment to multi-agency and partnership working to tackle domestic abuse/violence, we are committed to tackling this issue.

2. Scope

This policy applies to Council and School based employees.

3. Policy Aims and Objectives

We recognise that domestic abuse/violence are significant issues in today’s society and that we have a duty of care to ensure our employees work in a safe environment where risks to health and well-being are considered and dealt with effectively. In conjunction with the Joint Trade Unions we are committed to ensuring support is available to employees who are experiencing or surviving acts of domestic abuse/violence.

The main aims and objectives of this policy are to:

- Positively assist and support employees who are experiencing acts of domestic abuse/violence.
- To increase awareness of the training available and issues associated with all forms of violence and abuse.
- Provide guidance and assist managers in supporting employees who are victims of acts of domestic abuse/violence in their personal lives, and in terms of offering access to counselling and other support to employees perpetrating domestic abuse/violence who seek help from us.

- Reduce absences from work resulting from acts of domestic abuse/violence; and assist in improving any performance issues by offering practical support to employees who are affected.
- Help everyone (including managers and elected members) through training and understanding to recognise potential victims or perpetrators of acts of domestic abuse/violence and to provide a supportive environment for them.
- Reinforce the commitment to the principle that any form of violence or abuse is unacceptable behaviour and that everyone has a right to live free from fear and abuse.

4. Definitions and Key Legislation

It is a requirement of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (“VAWDASV”) that all devolved public sector employers have a work place policy for Violence against Women, Domestic Abuse and Sexual Violence. This policy fulfils that requirement but is not exclusive to women, also including men and non-binary individuals. This policy covers: all forms of gender based violence, domestic abuse and sexual violence in recognition that both men, women and non-binary individuals are victims of violence; threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation; and also forced marriage.

The definition of abuse, violence against women and sexual violence, as set out in VAWDASV, addresses all forms of gender-based violence, domestic abuse and sexual violence; however women and girls disproportionately experience particular forms of violence.

Domestic Abuse and Violence – Home Office

The cross-government definition of domestic violence and abuse is:

Any incident or pattern of incidents of controlling, coercive, 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. (For example, this can include abuse and violence perpetrated by sons, daughters, grandparents or any other person who has a close or blood relationship with the victim).

The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Domestic violence/abuse can manifest itself through a variety of actions such as:

- Physical assault or threats of physical assault (e.g. slapping, pushing, kicking, punching, stabbing or destruction of personal property);
- Sexual assault or threats of sexual assault;

- Emotional or psychological abuse (e.g. intimidation, verbal abuse, humiliation, not allowing friends or relatives to visit);
- Denial of rights or restriction of personal freedom (e.g. withholding money or medical help);
- The imposition of social isolation or movement deprivation.

We recognise that domestic abuse/violence is rarely confined to a single incident and typically forms a pattern of coercive or controlling behaviour.

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 used to harm, punish, or frighten their victim.

Violence against women – United Nations

Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Sexual Violence – United Nations

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.

Gender-based violence

'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)'.

Honour based abuse

Honour based abuse is a collection of practices used to control behaviour within families in order to protect perceived cultural and religious beliefs and/or honour. Violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.

Key Legislation

We acknowledge key legislation relevant to violence at work, including:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Reporting of injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996
- Violence Against Women, Domestic Abuse and Sexual Violence (Wales) 2015 Act
- Well-Being of Future Generations (Wales) Act 2015
- Social Services and Wellbeing (Wales) Act 2014
- Equality Act (2010)

5. Impact of Domestic Abuse/Violence on the Workplace

Domestic abuse/violence can lead to a variety of problems such as low self-esteem, social exclusion, disturbed patterns of eating and sleeping, lack of confidence, depression, extreme anxiety, alcohol and substance misuse, self-harm and suicide. The social and economic consequences of domestic abuse/violence can include homelessness, loss or separation from family friends, isolation, loss of employment, debt and destitution.

In adopting this policy we recognise that domestic abuse/violence is not a private matter and can impact greatly on an individual's working life. It is often possible for perpetrators to use workplace resources, such as telephones, e-mail and other means, to threaten, harass or abuse.

It is known that domestic abuse/violence can affect performance and productivity. The effects can include decreased productivity, lateness, stress, absenteeism, errors and increased employee turnover. This can have an impact on financial resources and service delivery.

Colleagues may also be affected; they may be followed to or from work, or subject to questioning about the victim's contact details or location. They may have to cover employees while they are off work, try to fend off the abuse and may fear for their own safety.

6. Employees experiencing Domestic Abuse/Violence

Employees who make it known to us that they are experiencing domestic abuse/violence will be treated in a sympathetic and supportive manner. They should not be judged by other employees and will be encouraged to help themselves out of their abusive circumstances, having due regard for their personal safety and that of their children, where applicable.

Employees can seek advice and support from their manager. In addition, we provide a range of supportive and signposting services, which include:

- [Occupational Health Service](#)
- [Employee Assistance Programme](#) offering counselling services
- Trade Union representatives should also be able to provide advice and support
- Other specialist service providers
- [Live Fear Free](#) helpline

Further details can be found in the [Help and Support](#) section.

Employees who recognise or suspect that a colleague is living in an abusive situation at home should speak in confidence to their manager. Employees should recognise that they are NOT counsellors and should be wary of promising more than they can deliver in terms of support. They should also consider their own wellbeing, as they may be putting themselves in danger if the abuser becomes aware of their support.

7. Leave, Time Off Work and other Supportive Measures for Victims

We are committed to supporting any employee experiencing domestic abuse/violence as follows:

Safe Leave

Safe Leave – up to 5 days paid safe leave pro rata is available to employees experiencing domestic abuse/violence for reasons including, but not limited to:

- Seeking Safe Housing
- Visiting legal advisors or support agencies for re-housing, to make alternative childcare arrangements, including meetings with schools, or other relevant appointments.
- Financial support

In addition, managers should also explore other measures supportively and sympathetically, which may include:

- Financial support, to prevent financial coercion, i.e. paying the victim's wages into a different bank account.
- 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.
- 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.
- Access to counselling/support services in paid time and the Occupational Health Service.
- Access to courses developed to support survivors of domestic abuse/violence, for example, The Freedom Programme or assertiveness training.

Managers will respect the right of staff to make their own decision on the course of action at every stage, subject to us being able to accommodate them via the above supportive measures.

8. The Role of Managers

Managers should appreciate how difficult it may be for an employee to discuss their personal circumstances and should always offer support in a sensitive and non-judgemental manner.

The role of the manager is to:

- Identify employees experiencing difficulties as a result of domestic abuse/violence where possible (for example, using regular performance coaching, 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 recognising the limitations of their role (referring to professional counsellors or experts where necessary);
- Protect confidentiality in all instances (excepting the requirements of Safeguarding and/or protecting other employees);
- Refer individuals to the appropriate internal or external source of help and support;
- Ensure that the safety of all employees in the team is protected;
- Enable the affected employee to remain productive and at work during a difficult period in their domestic life, for example by utilising the available policies;
- Raise awareness of the policy to all employees;
- Keep training up to date in line with the National Training Framework relating to VAWDASV.

Where a manager suspects that an employee is experiencing domestic abuse/violence, they can contact the Organisational Development Team for advice before any discussion takes place with the employee. Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity but employees should never be pressured into disclosing any personal information that they do not feel comfortable sharing. In agreement with the staff member, another member of staff may be appointed as a nominated point of contact for the employee to support them further. This person will also provide guidance for line managers and union representatives who are approached by staff who are being abused.

Managers may consider implementing reasonable measures, which would support employees who are experiencing domestic abuse/violence as per section 7 above.

Employees who are experiencing domestic abuse/violence may demonstrate poor punctuality, attendance, work performance and productivity. Managers should be aware that these factors may be symptoms of violence and/or abuse and take appropriate steps to try and establish this prior to instigating any formal procedures.

9. Perpetrators of Domestic Abuse/Violence

Where a manager is aware that an employee is perpetrating abuse during working hours the matter should be discussed urgently with the Organisational Development Team.

Domestic abuse/violence perpetrated by employees is not accepted under any circumstances. We recognise that we have a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

We view the use of violence and abusive behaviour by an employee, under any circumstances, as a serious matter and as such will likely invoke the disciplinary procedure.

Where appropriate, action will need to be taken to minimise the potential for perpetrators to use their position or work resources to establish details or the whereabouts of their potential victims. This can include a change of duties or withdrawing access to certain computer programmes.

If a colleague is found to be assisting an abuser in perpetrating abuse, for example, by giving them access to facilities such as telephones or e-mail, this will be taken seriously and as such is likely to invoke the disciplinary procedure.

Any individual, who is prosecuted, convicted or cautioned in respect of a criminal offence, may be subject to the Disciplinary Procedure. We therein reserve the right to implement the Disciplinary Procedure should an employee's activities outside work have an impact on their ability to perform the role for which they are employed, or where their actions are likely to bring the Council/School into disrepute. Any individual who is violent to others or abusive should seek support and help from an appropriate source.

10. Training & Awareness Raising

We are committed to ensuring all managers are aware of domestic abuse/violence and its implications in the workplace.

All employees will be made aware of this policy and supporting information by means of newsletters/publications, noticeboards, and the Intranet.

A training programme in line with VAWDASV National Training Framework is delivered as part of an ongoing rolling programme to raise awareness of violence and/or abuse and the understanding of this policy and guidance.

All employees are required to undertake the VAWDASV training, available at a level in-line with their role. Managers should confirm with new employees that they have completed the training appropriate to their role as part of their induction/probationary period.

Information, briefings or awareness raising sessions will ensure that all managers are able to:

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

11. Confidentiality

Discussions between a manager and an employee who is experiencing domestic abuse/violence will be treated in confidence. However, in some circumstances this confidence may need to be broken in order to protect children or adults at risk in conjunction with Corporate Safeguarding policies, or where the employer needs to act to protect the safety of employees.

In circumstances where we have to breach confidentiality, we will seek specialist advice before doing so. If we decide to proceed in breaching confidentiality after having taken advice, we will discuss with the employee why we are doing so and will seek the employee's agreement where possible.

As far as possible, information will only be shared on a need-to-know basis.

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.

Employees experiencing domestic abuse/violence may choose to be accompanied at meetings by a colleague or trade union representative.

Employees are reminded of the importance of not divulging personal details of other employees, such as addresses, telephone numbers or shift patterns. This is paramount when dealing with honour based abuse cases.

If an employee does not wish to discuss the detail of the domestic abuse/violence with their manager, the manager should advise them of other specialist agencies they can speak with as outlined in the help & support section of this policy.

All employees are encouraged to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their 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.

12. Right to Privacy

We respect employees' right to privacy. Whilst we strongly encourage victims of domestic abuse/violence to disclose for the safety of themselves and all those in the workplace, we will not force them to share this information if they do not want to. We do however; require perpetrators of domestic abuse/violence to declare any related prosecutions, convictions or cautions.

13. Equality Statement

We acknowledge that domestic abuse/violence can occur in all areas of society. We recognise that domestic abuse/violence is an equalities issue and that some employees may face additional barriers and issues in seeking help because of their ethnic background, religion, age, sexual orientation, disability or gender, which might make them feel particularly vulnerable when talking about their situation.

Any training on the subject of domestic abuse/violence will incorporate an appreciation of these issues and how to overcome the barriers presented to these individuals.

We will not discriminate against anyone who has been subjected to domestic abuse/violence both in terms of current employment or future development. If an employee discloses domestic abuse/violence during disciplinary procedures in relation to performance, absenteeism, etc. this will be taken into account. If it is felt that, the issue can be resolved by addressing the support or safety needs of the employee the disciplinary process may be suspended.

14. Performance Measures

It is recognised that due to confidentiality issues and sensitivities around cases of violence, domestic abuse and/or sexual violence, monitoring and evaluation is not

always easy. However, the following information may be recorded and shared with the Violence Against Women and Domestic Abuse Team in Welsh Government:

- How the Policy has been promoted and staff awareness raised;
- Details of planned training and/or numbers of staff who have completed training; and
- The number of hits on the Blaenau Gwent intranet page hosting the workplace policy.

15. Data Protection

When an individual experiences domestic abuse/violence and is receiving support, any personal data collected will be processed in accordance with the relevant data protection policy. Data collected from the point at which we become aware of the issue is held securely and accessed by, and disclosed to, individuals only for the purposes of providing the necessary support.

16. Help and Support

- **Occupational Health & Employee Assistance Programme**

For details on Occupational Health, employees should contact their Manager or Organisational Development Team. Further information can also be found on the Organisational Development page of the intranet.

The Employee Assistance Programme employs professionally qualified Counsellors and Information Specialists, who are experienced in helping people to deal with all kinds of practical and emotional issues such as Wellbeing, family matters, relationships, debt management, workplace issues, and much more.

Telephone: **0800 174319**

- **All Wales Academy**

Welsh Government has developed an e-learning module to raise awareness regarding violence against women, domestic abuse and sexual violence. This is available on the All Wales Academy, the Council's online learning platform and is a mandatory training requirement. It is anticipated that it will take approximately 45 minutes to complete the course.

Please click on the link below or paste it into your browser:

<https://learning.wales.nhs.uk/course/view.php?id=219>

Your login/username will be your personal reference number (found on your pay slip) prefixed with BGCBC e.g. **BGCBC123456** and your initial password is **Welcome1%**

If you are asked to enter an enrolment key, it is **Blaen15%**

A helpdesk is available to assist with any username/password issues.
Email: elarning@wales.nhs.uk
Telephone: 01443 848636

- **Phoenix Domestic Abuse Services**

Phoenix Domestic Abuse Services is a registered charity established in 2002 to provide a free and confidential information and support service to those affected by domestic abuse within the borough of Blaenau Gwent.

Helpline: 01495 291202
Email: info@phoenixdas.co.uk
Website: <http://www.phoenixdas.co.uk>

- **Live Fear Free**

Live Fear Free is a Welsh Government website, providing information and advice for those suffering with domestic abuse, sexual violence and other forms of violence against women.

Helpline: 0808 8010 800 (24 hour, 365 days per year)
Email: info@livefearfreehelpline.wales
Website: <http://www.livefearfree.gov.wales/>

- **The Dyn Project**

The Safer Wales Dyn project provides support to Heterosexual, Gay, Bisexual and Trans men who are experiencing Domestic abuse from a partner. The Safer Wales Dyn helpline lets you speak confidentially to someone who can listen to you without judging your situation. We can give you support to deal with the problems faced and tell you if there are any services already available in your area. All calls to this line are free & confidential.

Helpline: 0808 801 0321 (Mon: 10am-4pm, Tues: 10am-4pm, Wed: 10am-1pm)
Email: support@dynwales.org
Website: <http://www.dynwales.org/>