

Appendix B

DRAFT FOR CONSULTATION

Domestic Abuse Policy

AUTHOR	Human Resources and Organisational Development
SCOPE	<p>This policy applies to:</p> <ul style="list-style-type: none">• all employees of Manchester City Council, casual agency workers and consultants• staff deployed to the Manchester Local Care Organisation (MLCO)• employees on secondment outside of the council but who remain on Manchester City Council terms <p>This policy does not apply to:</p> <ul style="list-style-type: none">• school employees
PURPOSE	The purpose of this policy is to set out the Council's position to all employees in relation to employees experiencing domestic abuse
APPROVAL	In Consultation
REVIEW	The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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1. Introduction

The Council is committed to ensuring the health, wellbeing and safety of its employees and workers. Any employee or worker who experiences domestic abuse should be able to raise the issue at work, without fear of stigmatisation or victimisation. Employees and workers should be appropriately supported within the workplace and guided to access any advice and specialist services they may need.

The Council recognises that domestic abuse occurs in every social class and across all age groups, regardless of gender, sexuality, disability, race or religion.

The Council's commitment here extends to assisting employees and workers who may need to provide support to a family member or close friend who is experiencing such abuse.

The Council believes that all forms of domestic abuse are unacceptable and is committed to providing a safe and secure working environment.

- This policy adopts the same principles as Manchester's Domestic Abuse Strategy, which aims to prevent abuse and promote healthy relationships, identify abuse and intervene as early as possible and support victims/ survivors' recovery.

The Council is committed to ensuring that all employees and workers, not just those experiencing domestic abuse, are aware of its position in this area, including the implications for employees and workers who are perpetrators of domestic abuse. The Council takes a zero-tolerance approach to discrimination of any kind and is committed to raising awareness of domestic abuse and providing training to employees.

As an organisation, the Council is committed to the Work to Stop Domestic Abuse campaign¹. We fully recognise that for many people, the workplace is not just a vital source of independent income but can also be a source of support, which enables staff to be safe at home and at work. Everyone has a responsibility to end domestic abuse and as an organisation, we will commit to the following actions:

- Train managers how to best support staff members experiencing domestic abuse
- Ensure that all staff have access to the domestic abuse in the workplace guidance
- Every staff member will have access to our Domestic Abuse Policy and we will actively take steps to ensure it is adhered to
- Commit to reviewing and monitoring this policy on a regular basis
- Display domestic abuse national and local support/advice in workplaces across the organisation
- Sign up to GMB Union's 'Work to Stop Domestic Abuse' Charter

¹ <https://www.gmb.org.uk/campaign/domestic-abuse-charter>

This policy is supported by detailed guidance and is rooted in the nationally accredited 'four Rs' approach, namely:

- Recognise – recognize the problem and enable managers and employees to understand that domestic abuse is a workplace issue everyone can play a part in tackling
- Respond – put policies and processes in place that enable a supportive workplace that will respond positively to disclosure
- Refer – provide access to confidential internal support and signpost appropriately to external organisations that can help employees who disclose abuse
- Record – capture the detail of what is said and record as accurately as possible. This may help the employee should the abuse become subject to criminal proceedings

2. Policy Aims

Through the application of this policy and the associated supporting guidance the Council aims to:

- Ensure that all employees and workers who ask for help in addressing domestic abuse issues are able to access appropriate advice and support.
- Ensure that all managers can access guidance on how to support and assist employees and workers asking for help in relation to domestic abuse and are aware of how to support and advise employees and workers who may be perpetrators of domestic abuse.
- Provide confidence to employees and workers seeking assistance that their situation will be handled sympathetically and confidentially.
- Reduce absence from work resulting from domestic abuse and have a positive impact on employees' mental and physical health and wellbeing. This includes staff who are supporting family members with domestic abuse.

3. Legal Obligations

The Council understands that all of its employees and workers have the right to feel safe within their working environment. The Council recognises its legal responsibilities in promoting the health, safety and well-being of its employees and workers in line with the:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996
- Serious Crime Act 2015
- Human Rights Act 1998
- Local Government Act 2000
- Crime and Disorder Act 1998
- Domestic Violence, Crime and Victims Act 2004

- Protection from Harassment Act 1997
- Domestic Abuse Act 2021.

4. Definition of Domestic Abuse

The Council adopts the definition of domestic abuse outlined in the Domestic Abuse Act 2021, which makes clear that behaviour towards another person is domestic abuse if each of those persons are aged 16 or above and if they are personally connected and consists of any of the following.

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Psychological, emotional or other abuse
- Economic abuse (defined as any behaviour that has a substantial adverse effect on the victim's ability to i) acquire, use or maintain money or other property, or ii) obtain goods or services

Behaviour of the perpetrator may be considered to be abusive towards the victim despite it consisting of conduct directed at another person, for example the victim's child.

This definition includes honour-based abuse, female genital mutilation and forced marriage, and is clear that victims are not limited to one protected group as outlined in the Equalities Act 2010. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, faith or belief, sex, and sexual orientation.

What constitutes domestic abuse is commonly misunderstood, and it is important to remember that no single act defines it; there are a wide range of activities and behaviours that amount to domestic abuse which are often dangerous and can be life-threatening.

Some examples of these are:

Controlling behaviour

This 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

This 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.

Harassment

This is a crime involving behaviour that takes place more than once, and the perpetrator's actions must have an unwanted effect on the victim. Under the Protection from Harassment Act 1997, it is an offence for a person to pursue a course of conduct that amounts to harassment of another person, and that they know (or ought to know) amounts to harassment. The Act defines harassment and states: "References to harassing a person include alarming the person or causing the person distress." A 'course of conduct' in the case of harassment of a single person must involve conduct on at least two occasions.

Stalking

There is no specific legal definition of stalking. However, it is helpful to know that in cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.

Any incidents of abuse experienced by Council staff from those who they interact with in their role but are not personally connected should be dealt with through the [Third Party Abuse and Harassment Policy](#).

5. Support for Individuals who are Experiencing Domestic Abuse

The Council will provide support to employees and workers who are or have experienced domestic abuse or who are supporting a friend or family member who has experienced domestic abuse. Those providing support should address the issue sympathetically, ensuring that the employee or worker is aware that support and assistance is available where requested.

The Council will work to create an environment which supports disclosure and reassures employees and workers that they will be listened to and supported. Those supporting employees and workers should also be aware that, typically, an individual who is experiencing domestic abuse will experience abuse for a considerable time before feeling able to disclose this to someone.

Managers are expected to signpost and encourage employees and workers to access the sources of support available to them. These may include: access to the Employee Assistance Programme, access to counselling, referral to appropriate domestic abuse services and discussing any safeguarding concerns. Incidents of domestic abuse that result in harassment or unwanted contacts at work can be reported using the [Abuse and Harassment Form](#).

Other support options that will be considered on a case by case basis are:

- Temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser.
- 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 ten days' Safe Leave in accordance with our [Special Leave Policy](#).

The Council recognises that employees may need to take time off from work to make arrangements or attend relevant appointments, including attending medical appointments and counselling; attending legal proceedings and arranging housing or childcare. Where appropriate, managers should support the use of paid safe leave in line with the Council's Special Leave Policy.

Employees and workers should be provided time during work to contact any support service they require. Please see the [Managers' Checklist](#) for further information.

All advice, information and support will remain confidential. No information or documentation will be disclosed without the express consent of the employee or worker unless there is an immediate child protection or vulnerable adult safeguarding concern, in which case a referral to the appropriate child or adult safeguarding hub of the relevant borough may be necessary.

In cases where the employee or worker has expressed a safeguarding concern or where the incident may impact their job role or responsibilities, the HR Casework team must be informed.

If you are concerned that the employee is at risk of significant harm from Domestic Abuse and they are a resident of Manchester, then the Manchester Domestic Abuse Advice and Referral Form should be completed and sent to communitysafety@manchester.gov.uk. This will be screened and uploaded and depending on the level of risk, the referral may either be directed to local support services for attention or forwarded for consideration at the Multi Agency Risk Assessment Conference (MARAC). The employee should be made aware that there is a duty to disclose the information to relevant services because of the risk of significant harm.

For colleagues who reside in other areas, please contact the Community Safety Team via email: communitysafety@manchester.gov.uk. Officers will be able to assist with referrals to neighboring authorities and the relevant processes.

In cases where a safeguarding concern has been identified or an incident of Domestic Abuse with the employee may conflict with their job role or responsibilities, the HR Casework team must be informed.

For further information on the support available, please see the [Domestic Abuse Guidance](#) and the [services available to victims of domestic abuse](#).

6. Perpetrators of Domestic Abuse

The Council will treat all employees and workers who disclose committing domestic abuse sensitively and fairly. Advice should be sought from the HR Casework Team in all circumstances. Incidents of domestic abuse that result in harassment or unwanted contacts at work can be reported using the [Abuse and Harassment Form](#).

Domestic abuse is in contravention of the [Employee Code of Conduct](#) and may be subject to disciplinary action, which if proved may lead to dismissal. Where a perpetrator makes a disclosure of committing domestic abuse, a risk assessment must be completed, taking into account:

- The nature of the disclosure;
- Job role –the impact of the employee’s actions on their duties and responsibilities;
- Any safeguarding issues that arise;
- The employee’s work location;
- The impact on the victim or his/her dependents; and
- Whether the employee has voluntarily sought help to deal with the issue.

Employees and workers who disclose having committed domestic abuse will be offered advice and support regarding [appropriate services for victims of domestic abuse available](#).

All employees and workers should be aware that domestic abuse is a serious matter that could also lead to criminal convictions.

In cases where both the victim and the perpetrator of domestic abuse work in the organisation, advice should be sought from the HR Casework team immediately and the appropriate action will be taken. Proven harassment and intimidation of Council employees by their partner or ex-partner or family member who also works for the Council will be viewed seriously and may lead to disciplinary action being taken. This includes improper use of email to receive or transmit material that is designed to or is likely to cause inconvenience or distress, or to create, receive or transmit any defamatory material. If any of the circumstances detailed above are brought to a manager’s attention, advice should be sought from the HR Casework team.

All advice, information and support provided by managers and the HR Casework team will remain confidential. No information or documentation will be disclosed without the express consent of the employee unless there is an immediate child protection or vulnerable adult safeguarding concern, in which case a referral to the appropriate child or adult safeguarding hub of the

relevant borough may be necessary or unless a disciplinary process has been initiated, in which information will be shared in line with the disciplinary policy.