

APPENDIX D

Domestic Abuse Policy

HR PolicyHROD

October 2019



Contents

Introduction
 2 Aims **Error! Bookmark not defined.**
 Legal Obligations4
 Definition of Domestic Abuse.....4
 Support for Individuals who are Experiencing Domestic Abuse5
 Perpetrators of Domestic Abuse6

Scope
 2



Document Control

Date effective from	October 2019	Owner	HR Policy, HROD
Approval Date	16 October 2019	Approval By	Personnel Committee
Review date	Three years from the date of approval (or earlier where there is a change in the applicable law)		

Introduction

- 1.1 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.
- 1.2 The Council recognises that domestic abuse occurs in every social class and across all age groups, regardless of gender, sexuality, disability, race or religion.
- 1.3 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.
- 1.4 The Council believes that all forms of domestic abuse are unacceptable and is committed to providing a safe and secure working environment.
- 1.5 This policy adopts the same principles as Manchester's 'Delivering Differently' Domestic Violence and Abuse Strategy, which aims to reduce the number of incidents of domestic abuse in Manchester by 2020 and increase the safety of those experiencing domestic abuse.
- 1.6 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.
- 1.7 This policy is supported by detailed [guidance](#).

Scope

- 2.1 This policy covers Manchester City Council employees, casual and agency workers and consultants, but excludes staff directly employed by schools.

Aims

- 3.1 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.

Legal Obligations

- 4.1 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
- Serious Crime Act 2015
- Human Rights Act 1998
- Local Government Act 2000
- Crime and Disorder Act 1998
- Domestic Violence, Crime and Victims Act 2004.

Definition of Domestic Abuse

- 5.1 The Council adopts the definition of domestic abuse outlined by the Home Office which makes clear that domestic abuse relates to any incident or pattern of incidents of some or all of the following: controlling, 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. This can encompass but is not limited to the following types of abuse:

- physical
- emotional
- psychological

- sexual
- financial

This definition includes honour-based abuse, female genital mutilation and forced marriage, and is clear that victims are not confined to one gender, religion or ethnic group.

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:

5.2 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.

5.3 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.

5.4 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.

5.5 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.

Support for Individuals who are Experiencing Domestic Abuse

- 6.1 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.

6.2 The Council will endeavour 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.

6.3 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.

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.

6.4 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 special leave in line with the Council's Special Leave Policy.

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

6.6 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.

6.7 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.

6.8 If you are concerned that the employee is at risk of significant harm from Domestic Abuse, 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 for consideration at the Multi Agency Risk Assessment Conference (MARAC).

6.9 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.

6.10 For further information on the support available, please see the [Domestic Abuse Guidance](#) and the [contact information sheet](#).

Perpetrators of Domestic Abuse

7.1 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.

- 7.2 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.
- 7.3 Employees and workers who disclose having committed domestic abuse will be offered advice and support regarding appropriate services available. Please see the [contact information](#) for full details.
- 7.4 All employees and workers should be aware that domestic abuse is a serious matter that could also lead to criminal convictions.
- 7.5 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.
- 7.6 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.