
Leeds City Council

Domestic Violence and Abuse Policy, Procedure and Guidance

Effective from 1st May 2015

Domestic Violence and Abuse Policy, Procedure and Guidance – 1st May 2015

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Section 1: The Policy

Aims

Leeds is a city that has a zero tolerance approach to domestic violence and abuse, where individuals, families and communities are supported to reach their potential and lead safer, healthier and happier lives (Leeds Domestic Violence and Abuse Strategy and Action Plan 2014-15)

In full support of this, Leeds City Council is committed to promoting zero tolerance of domestic violence and abuse towards or by its employees. It is essential therefore that the working environment promotes the view that domestic violence is unacceptable and will not be tolerated.

This policy aims to ensure that all staff and managers are aware of the impact that domestic violence and 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 violence or abuse.

It is acknowledged both in Leeds and nationally that domestic violence and abuse is significantly under-reported. By raising awareness amongst staff about the support available, it is hoped that this policy may lead to an increase in the number of victims reporting to the police.

This policy is part of a city wide strategy to address domestic violence and contributes to delivering the Leeds Domestic Violence and Abuse Strategy.

Domestic Violence – Definition (Source: Home Office)

“Any incident or pattern of incidents of 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 definition includes so called “honour” based violence, female genital mutilation (FGM) and forced marriage.

The new definition can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is defined as: 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 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.”

The majority of domestic violence incidents and the most serious and repeated acts are committed by men against women. It is, however, important to recognise that domestic violence also occurs in other circumstances, for example, same sex relationships, women against men and from other family members.

Key principles

The key principles of this policy are:

- to recognise that domestic violence is a serious social and criminal issue leading to significant human and financial consequences for individuals, families, communities and organisations.
- to recognise that Domestic Violence and Abuse is prevalent in Leeds and that Leeds City Council employees will be impacted by it. **In Leeds in 2013-14** there were
 - 13,832 domestic abuse incidents recorded by police (4,489 repeats),
 - 35% had children present
 - 810 MARAC Cases (risk of serious injury or death) of which 158 repeats. 925 children involved
 - 6 domestic violence homicides.
- to develop effective responses that will help to reduce the volume and minimise the impact of domestic violence on Leeds City Council employees.
- to provide support through Leeds City Council's Employee Assistance Programme and other relevant agencies to those who are experiencing or have experienced domestic violence and abuse in their personal or professional lives, or those who are perpetrators of domestic violence.

Application

- All employees will be made aware of the policy, procedure and guidance through publicity and/or training.
- Managers will use the procedure and guidance to support individuals who are experiencing domestic violence and abuse.
- Managers will use the procedure and guidance to direct perpetrators to relevant services.

Scope

The policy and procedure:

- applies to all employees of Leeds City Council with the exception of staff who are specifically covered by separate policies, for example (but not limited to) teachers employed in schools, all staff of locally managed schools.
- should be considered in conjunction with the Managing Attendance Policy, Procedure and Guidance and Special Leave Policy.

Responsibility for reviewing this document

It will be the responsibility of the Chief Officer, HR to formally review this policy and procedure one year after the policy and procedure has been signed off following the council's negotiating and consultation processes. Thereafter it shall be reviewed every three years, although reviews at other times may be necessary in the light of changes to legislation, council policy and the council's contribution to the Leeds Domestic Violence and Abuse Strategy.

Further Guidance

Anyone using this policy should also refer to the Guidance document. The Guidance also contains useful internal and external contacts / helpline numbers.

Section 2: The Procedure

Roles and responsibilities

Directors/Chief Officers will have overall responsibility for ensuring that the policy is implemented in their Directorates/Services. The responsibilities borne by line managers and employees are outlined below:

Line Managers

- Listen and believe.
- Do not judge.
- Keep confidential note of all discussions.
- The role of the manager is not to take on casework, but to signpost individuals to the professional support that is available and to make it clear through this policy, and their own actions, that employees will be supported.
- Ensure that access to this policy and guidance is available to every employee.
- Where domestic violence is identified, respond appropriately and effectively.
- Maximise safety for all employees carrying out their duties.
- Undertake stress risk assessment.
- Ensure confidentiality in maintaining records and discussing support.

- Consider and discuss the range of supportive measures available from the council, with employees and HR Domestic Violence and Abuse Champions.
- Encourage and support individuals to access a HR Domestic Violence and Abuse Champion and the Council's Employee Assistance Programme.
- Be aware of what appropriate services and policies are available.
- If it becomes known that a council employee has committed an act of domestic violence, advice should always be sought from the local HR Service before considering further action.
- Act with integrity and be accountable for your own actions.
- Consider safeguarding issues and act accordingly.

All Employees

- Have a duty to follow the policy and procedure and if they do not understand anything, speak to: their manager, local HR service, trade union or a HR Domestic Violence and Abuse Champion (contactable via any HR Team).
- Be supportive and non-judgemental towards colleagues.
- Maintain confidentiality – do not discuss sensitive information about colleagues
- Report any incidents of unwelcome contact, harassment or intimidation which you become aware of at work by an alleged perpetrator (see page 6, Employees who are perpetrators of domestic violence).
- Report any safeguarding concerns to a manager.

HR Domestic Violence and Abuse Champions

- Be familiar with the policy and procedure and attend the appropriate training.
- Be available and approachable for those employees experiencing domestic violence.
- Listen, reassure and support employees who contact you.
- Keep any information confidential, within the boundaries outlined in the guidance.
- Respond in a sensitive, non-judgmental manner.
- Ensure that any employee who is experiencing domestic violence is aware of the options available to them to help them to make informed choices.
- Encourage the employee to seek the advice of other relevant agencies.

Employees who are victims of domestic violence

If you are the victim of domestic violence, you may feel that you are unable to talk to anyone about your situation. You may be afraid or worried about the consequences that this might have on you, your family, your home, your job or your income. You do not have to keep this to yourself; there is help and support available. You will find contact details and more information about the confidential support that is available to you, either through Leeds City Council or independently at the end of The Guidance Document. Alternatively you may prefer to talk to your manager or your local HR service in confidence.

Responding appropriately to victims of domestic violence

Managers must have a sensitive and non-judgmental approach when dealing with employees who are experiencing domestic violence. This can include:

- taking the employee at face value and offering time to listen to them;
- ensuring that any discussion about the employee's situation takes place in private, clearly stating the extent and boundaries of confidentiality, (see section on Confidentiality in the guidance);
- understanding that the employee may not wish to approach their line manager and might opt to involve others, such as a colleague, a trade union representative or a HR Domestic Violence and Abuse Champion. It may be appropriate to offer the option of speaking to another colleague or someone from the local HR team who will be able to advise the employee and/or their line manager of what measures can be taken;
- being aware that there may be additional issues faced by the employee because of, for example, their age, gender, sexual orientation, ethnic background, disability, religion or belief. Managers are not expected to understand all the cultural or emotional differences in each case but are obliged to treat people equally and with respect in responding to any additional needs. If you need specific advice in relation to any of the above contact LCC Domestic Violence Team or local HR service.
- being non-judgmental - the employee may need some time to decide what to do and may try many different options over a period of time. Research has shown that it can take several years to break free of a violent relationship and you should, for example, not assume that because an individual returns or stays in a violent relationship, that the violence was not severe, did not take place, or that they did not want it to stop;
- being aware of what support is available and exploring these options with the employee. If the employee does not want you to contact other agencies, you must respect their wishes.

Employees who are perpetrators of domestic violence

Abusive behaviour is the responsibility of the perpetrator. Domestic abuse is a serious matter that can lead to a criminal conviction. If you are hurting somebody and want help please contact the Respect National Helpline (details at back of this document).

Conduct outside of work (whether or not it leads to a criminal conviction) can lead to disciplinary action being taken against an employee because of the impact it may have on the employee's suitability to carry out their role and/or because it undermines public confidence in the council. Where appropriate, there will be an investigation of the facts as far as possible, and a decision made as to whether the conduct is sufficiently serious to warrant disciplinary action being taken.

Factors that will be considered are:

- the nature of any criminal justice proceedings and/or convictions;
- the nature of the conduct and the nature of the employee's work;
- the extent to which the employee's role involves contact with other employees or the general public;
- whether the employee poses a risk to other members of staff or the public, and;

If any of the circumstances set out in the above paragraphs are brought to a manager's attention, advice should be sought in the first instance from the local HR service or a Domestic Violence and Abuse Champion.

Responding appropriately to employees when both the alleged perpetrator and victim work for Leeds City Council

In this situation, additional considerations will need to be given and managers should seek additional advice from the Domestic Violence Team or their local HR.

- Confidentiality is of the utmost importance. However, where safeguarding concerns are raised please refer to the confidentiality section on p8.
- Give consideration to moving one or both of the employees (any move of the victim should respect their feelings as well as their safety; no move of the victim should be done without their full consent).
- We have a duty of care for both members of staff. A separate HR contact officer should be allocated for each member of staff to maintain impartiality.

Section 3: The Guidance

Leeds City Council use the Home Office definition of Domestic Violence and Abuse as it is comprehensive and all encompassing. The full definition is on page 2 of the Policy document.

Identifying a domestic violence situation (Managers and all staff)

One in four women will experience domestic abuse at some point in their life time. This means it is likely that all workplaces will have staff who are experiencing or have experienced domestic violence and abuse, as well as those who are perpetrators.

On average a woman will experience 35 episodes of domestic abuse before seeking help (Jaffe et al 1986). Male victims of domestic abuse, particularly if abused by a female, may be less likely to talk about their situation. It can therefore be very difficult for an employee who experiences domestic violence to tell people at work about their situation, or to approach their manager with their problems.

However, it is possible that the manager will become aware of the situation through associated issues identified in the managing attendance process or through performance reviews. As with other welfare issues, identifying that an employee is experiencing difficulties at an early stage can lead to appropriate help being offered. This in turn could mean the employee is able to deal with their situation far more effectively, and before risk escalates.

It may also be possible that colleagues identify domestic violence or abuse through changes in behaviour or comments made by somebody that they work alongside. The employee may choose to discuss this with the individual or alert their manager to their concerns.

Confidentiality

If an employee discloses to their manager that they are experiencing domestic violence, the manager should reassure them that they will keep this information confidential as far as possible. One of the exceptions to this is where child protection issues arise, for instance, if an employee gives information that suggests a young person or child is at risk from abuse, whether physical, emotional, sexual or from neglect. In these circumstances, the manager should inform the employee that they will seek further advice from an appropriate agency, for example, the Children's Social Work Service, and that they may have to pass information on to other bodies. Information and advice on child protection issues can be obtained from Children's Safeguarding Board and/or the Child Protection Co-ordinator. Contact details for the Children's Social Work Service are included at the back of this document.

Another exception to confidentiality is where an employee reaches the Multi-Agency Risk Assessment Conference (MARAC) threshold (in danger of being seriously injured or killed). See p.10 for further info on MARAC. In these circumstances it may be necessary to refer without consent.

Disclosure

If the employee discloses information about their domestic violence situation to colleagues, the manager should remind these members of staff that this information is confidential and that any unauthorised disclosure could lead to disciplinary action being taken against them.

The consequences of breaching this duty of confidentiality could have serious effects for the employee experiencing domestic violence, potentially increasing the risk to their safety. It could exacerbate the domestic violence and impact on the employee's family, their working arrangements and social activity.

Statistics have shown that the risk of more serious assaults, permanent injury and murder takes place when a woman decides to leave an abusive relationship, or immediately after. It is important therefore, not to underestimate the danger or assume that the fear of violence is exaggerated.

Health, safety and well-being

Managers have a duty to maintain a secure environment for all staff. The council has developed a Violence at Work policy and guidance for managers to deal with incidents where an employee is verbally abused or threatened, or physically assaulted in the course of their duties.

The interventions outlined in the Violence at Work policy will apply to most situations of violence in the workplace, however, managers may have to consider additional factors if these relate to domestic violence. For example, it may involve a violent partner or ex-partner visiting the workplace, making abusive phone calls, sending e-mails, or intimidating and harassing the employee. Managers will also need to consider the implications for staff working from home.

Where there are issues such as these, the manager should consider the following preventative and supportive measures:

- Support the employee to establish a personal safety plan (information about safety strategies can be found on page 15).
- Improve security measures on entry to buildings, for example, changing key pad numbers or ensuring no access is available to unauthorised visitors.
- Remind employees, including those on reception and switchboard not to divulge personal information about employees, such as addresses, telephone numbers or shift patterns.
- Offer temporary or permanent changes in work place; work times and patterns that will minimise an employee's risk both at work and during their journeys to and from work. This could include relocating the individual within the office to ensure that the employee is not visible from reception points or ground floor windows.

- Offer a change in specific duties, such as not requiring the employee to answer phones or work in reception area, or in exceptional circumstances, redeployment to another post if an alternative option is not available.
- Agree how to make colleagues aware of how to respond if the perpetrator rings or calls at the workplace. Provide colleagues with a description of the perpetrator and other relevant details such as car registration numbers. These steps will help to heighten awareness of security in the workplace.
- If there is the need for such discussions with colleagues, in agreement with the employee, the manager should remind staff that the information about the domestic violence situation is confidential. Any unauthorised breach of confidentiality could lead to disciplinary action being taken against them.
- Ensure systems for recording employee's whereabouts during the day are adequate, and where work requires visits outside the office, consider how risks can be minimised. This could include a change in working duties, ensuring the employee is accompanied by a colleague, and that a mobile phone is carried by the employee.
- Record any incidents of violence in the workplace, including persistent phone calls, e-mails or visits to the employee by their partner/ex-partner. A record should also be kept of any witnesses to these incidents as these records could be used in any criminal proceedings or civil action against the alleged perpetrator.

If it is known that an alleged perpetrator is impinging on the health and safety of a member of staff, legal action can be taken and advice should be sought from Leeds City Council's Legal and Democratic Services.

When considering preventative and supportive measures, the manager may be required to take account of whether these are operationally appropriate, however, ensuring the safety of employees should be of primary concern throughout this process.

Employees at High Risk of Serious Harm

MARAC – Multi Agency Risk Assessment Conference

- MARACs are monthly multi agency meetings and aim to increase protection to high risk victims of domestic violence through a broad range of supportive interventions. An employee at this level of risk is in danger of being seriously injured or killed. Stay alert to indicators of high risk. For example, if you see signs of strangulation or knife wounding, or the level of fear increases.
- If you need to make a MARAC referral you should contact the MARAC Co-ordinator at West Yorkshire Police, tel. 0113 3852820. You can contact them to discuss a potential referral, to provide up to date referral form/information or to take a referral. If you are not sure whether to make a MARAC referral or wants to discuss other help available, you should contact the DV Team at dvteam@leeds.gov.uk

- In cases where the employee refuses to give consent to a referral, and where you consider them to be at high risk, you should nevertheless contact the above to discuss. You should inform the employee of your actions and of any outcomes.
- **If someone is in immediate danger, call the police on 999.** Remember to give this advice to any victim of domestic violence you support. Many victims will not consider their situation to be serious enough to call 999 so it is useful to remind them.

Recording information

Any discussions taking place about domestic violence and any actions agreed should be documented to provide as full a picture as possible. These records need to be clear and accurate, and where possible, dates, times and locations should be included. Records could be used to provide evidence in any potential legal action within the criminal or civil justice system. Records may be used as part of an internal review. However, these records should not, under any circumstances, be used to the detriment of an employee who has experienced abuse. The purpose of this policy is to support victims of abuse. Any records that we keep are for the express purpose of keeping the victim safe from harm. Any use of these records that undermine the victim at work, or causes harm to the victim, is inappropriate.

Records may be used in the event of a Domestic Homicide Review (DHR). The DHR is a statutory process to review the actions of agencies following a death due to domestic violence.

As required by the Data Protection Act, 1998, any records should be kept in a locked cabinet; protected by a password if stored on computer or secure drive, and recorded by codes if used for statistical purposes, to maintain anonymity.

Special leave

In cases of domestic difficulty the local conditions of service has provision to allow both paid and unpaid leave at the discretion of the line manager. When an employee has disclosed that they are experiencing domestic violence, the manager should consider favourably requests for reasonable time off with pay. Reasons for requests may include:

- appointments with support agencies, for example Women's Aid or counselling;
- arranging re-housing;
- meetings with solicitors; and
- making alternative childcare arrangements, including meetings with schools.

Employees are entitled to special leave with pay to attend hearings as a witness in either the civil or criminal courts if they have been called under a witness order or summons. Additionally, if there are circumstances where the employee is attending court and is seeking an injunction or order in cases of violence or harassment, time-off with pay should be considered.

Managers should record absences or applications for special leave in accordance with normal council procedures. Where a special leave request is made, the Manager will authorise, giving the reason as 'domestic circumstances' before it is then sent to the BSC for entering onto SAP.

Managers, did you know ...?

There is a course available called Positive Management Conversations. It's a one day course and gives you tools and techniques in dealing with potentially uncomfortable or difficult conversations that you may have with a member of your staff.

Other support for Managers can also be accessed via the Leeds Domestic Violence Team / links to training via LCC Manager Challenge.

Other supportive measures

Leeds City Council Domestic Violence Team (LCCDVT)

Key areas of work:

- lead on the statutory requirement to undertake Domestic Homicide Reviews
- support and work with other organisations to deliver the Leeds Domestic Violence Strategy
- provide support to professionals managing difficult and complex cases of domestic violence
- quality assure services and train the workforce

If you are an employee or manager and need advice about domestic violence, or for further information about support or training, contact LCCDVT by telephone: 0113 395 2140 or email: dvteam@leeds.gov.uk

Leeds City Council's Employee Assistance Provider

Leeds City Council recognises the importance of providing support for employees who are affected by domestic violence. The council's employee assistance provider operates an independent, professional 24 hour telephone based information and counselling service which is provided free to Leeds City Council employees and their immediate family.

Employees and managers can use the service to discuss, in confidence, areas that are affecting their personal or work lives. By contacting the EAP the employee can discuss their concerns and explore how they can be supported with the situation. The employee does not have to disclose their identity, and they can use the service at any time to obtain information and guidance on a range of subjects.

These include:

- emotional support for individuals affected by domestic violence
- supporting individuals in crisis
- supporting groups of employees affected by a traumatic incident
- financial and legal advice

To discuss these or any other issues with a qualified counsellor, in confidence, please use the contact details at the back of this document.

Financial Support

Individuals leaving a violent partner may face considerable financial hardship or have concerns about finding suitable accommodation for themselves and their family. Confidential and sympathetic support can be sought from Leeds City Credit Union, either by direct contact from an individual or via a referral. Such referrals can be made regardless of whether the employee is an existing member of the Credit Union. Contact details at the back of this document.

If the employee has disclosed that their partner has access to their finances or is exerting economic pressure upon them, the BSC could be approached to change the bank account into which the salary is paid.

Help with securing property is available from the Leeds Sanctuary Scheme to employees who are encountering domestic violence who wish to stay in their own home.

Other support

- **Leeds Domestic Violence 24 hour helpline – 0113 246 0401**
- Referring the employee to a Trade Union who will also offer support.
- Considering any request from an employee who is experiencing domestic violence, for a temporary variation to their normal working hours, in accordance with the council's flexible working policy.
- If there is an adverse impact on the employee's health, or the employee is being monitored as part of the managing attendance process, it may be appropriate to make a referral to Occupational Health for further advice. Reference should be made to the Managing Attendance Policy.
- There may be instances when an employee seeking support may not have English as a first language. Suitable arrangements would therefore need to be made to provide interpretation for people who use British Sign Language or other Community Languages. Advice can be sought and, where appropriate, interpreters can be booked through Leeds Sign Language Interpreting Service and Central Interpretation and Translation Unit.

- Consider the additional issues and barriers some victims face relating to their ethnic origin, faith, age or disability status. It is always useful to ask the employee if they have any specific needs around equality and diversity issues..

Safety Strategies

How to be prepared to leave urgently

For the safety of you and your children, there may come a time when you are forced to leave your home urgently. It is useful, therefore, to try to be prepared. The following checklist of what you may need could help:

- Keep a list of important contact numbers.
- Have mobile phones charged.
- Keep important documents together.
- Try to have some money available.
- Have a bag prepared with a change of clothes, toiletries, toys – hidden or at someone else's house.

Increasing safety in the longer term

If you are separated from an abusive partner or even whilst still living together, there are ways in which you can feel safer and better supported. These are to:

- inform family/friends
- ask neighbours to call the police in the event of them being aware of an incident
- inform colleagues at work
- inform those who take care of the children and name who can collect them
- report and explain all injuries to health workers
- secure your home
- explain the situation to the children; talk honestly with them. It is important to consider any potential risks involved in safety planning to keep you and your children safe at all times.

For more detailed information see the Women's Aid Survivor's Handbook. Information can be found on InSite. See Domestic Violence Key Support Agencies.

Key Support Agency Information

Leeds Domestic Violence Helpline (24 hours) Support, information and safe housing for women with and without children.	0113 246 0401
National Domestic Violence Helpline Run by Women's Aid and Refuge	0808 2000 247
National Men's Advice Line Practical advice, info and support to male victims of abuse as well as concerned friends and family	0808 801 0327 www.mensadvice.org.uk
Children and Young People Childline NSPCC Helpline	0800 1111 0800 800 5000
Credit Union Leeds (9.00am – 5.00pm Mon to Fri) Website: www.leedscitycreditunion.co.uk	0113 214 5252
Employee Assistance Programme (HELP) www.leeds.helpeap.com	0800 0285 149 (24 hr)
Housing - Leeds Housing Options	0113 222 4412
Jewish Women's Aid	0808 801 0500
Karma Nirvana Honour Network Helpline	0800 5999 247
Police Emergency	999 (or 112 if abroad – available in 70+ countries with interpreters if needed)
Police Non Emergency. Ask for Safeguarding Unit.	101
Respect National Helpline	0808 802 4040
Samaritans	0113 245 6789
SARSVL – Support After Rape and Sexual Abuse	0113 202 1844
Social Services Adults Children's (if you know or consider any child to be at risk though domestic violence)	0113 222 4401 0113 222 4403