

	<p>HUMAN RESOURCES POLICY STATEMENT</p>
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## **Domestic Violence and Abuse Policy (including Forced Marriage and Honour Based Abuse)**

### **IN AN EMERGENCY RING 999 FOR THE POLICE**

#### **1. Introduction**

Harlow Council is committed to heightening awareness of Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse and providing guidance for employees and management to address Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse and its effects in the workplace.

The Council also recognises that confidentiality is a crucial element in encouraging staff to come forward for help and assistance.

The Council will make assistance available to employees who are affected by Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse. This assistance may include: confidential means for coming forward for help; resource and referral information; special considerations at the workplace for employee safety; work schedule adjustments or leave necessary to obtain a medical, counselling or legal assistance and workplace relocation (if available). In responding to Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse, the Council will maintain appropriate confidentiality and respect for the rights of the employee involved.

To support the introduction of this policy the Council has also prepared a Domestic Abuse: Getting Support guide (**Appendix A**), Forced Marriage and Honour Based Abuse Support Guide (**Appendix B**) and a Guide for managers -Dealing with Situations of Domestic Violence or Abuse+ including forced marriage and honour based abuse (**Appendix C**). **Appendices A and B are held by the Council's Human Resources Team due to the sensitive nature of the information they hold.**

This policy applies to all employees of Harlow Council and exercises its responsibility to protect its non-staff (independent contractors, agency staff), from harassment and bullying.

This policy is designed to demonstrate how the Council will assist employees in dealing with the effects of Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse. It also sets out the Council's procedures in relation to the action that may be taken.

#### **2. Purpose**

The aims of this policy is to:

- ~ Safely assist and support employees asking for help in addressing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse issues.
- ~ Ensure those employees seeking assistance are confident that their situation will be handled safely, sympathetically and confidentially.
- ~ Ensure all employees who are affected by Domestic Violence and or Abuse, Forced

Marriage or Honour Based Abuse are aware of the policy and its implications.

### **3. Responsibilities**

The Council will:

Work with any employee experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse and adapt the support and assistance to each individual personal case, as appropriate.

Allow employees to choose for themselves the support and/or advice that suits their own personal needs and situation

Ensure employees have access to specialist agencies as documented in **Appendices A & B**.

Maintain employees right to confidentiality (subject to certain restrictions, predominantly in relation to safeguarding).

The Council encourages employees who are affected by Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse to discuss their concerns with their line manager or Human Resources. The employee may choose to be accompanied by a person of their choice, such as a workplace colleague or Trade Union representative (In specific circumstances and in consultation with HR an employee may have approval to have a different companion).

Provide access to assistance such as:

reasonable time off for re-housing, medical appointments, counselling, attending specialist agencies, reorganising carer and/or schooling arrangements and whatever else is required depending upon the circumstances of the individual case. This time off will be subject to the same criteria and processes that apply to leave requests. (Please see the Special Leave policy and authorised absence form)

In exceptional circumstances, the Council may give consideration to relocation of their job, or make reasonable adjustments to work patterns in order to protect the employee (subject to operational needs and in consultation with Human Resources).

### **4. Managers/Supervisors**

Managers and Supervisors have a responsibility to:

- ~ Familiarise themselves with the principles of, and act in the spirit of this policy
- ~ Make employees aware of the Domestic Violence and Abuse Policy
- ~ Take action and deal with employees concerns as promptly as possible
- ~ Provide employees with information about agencies who can offer them advice and support
- ~ Recognise the limitations of their role and seek help when appropriate from HR, Occupational Health and other associated support services (**Appendices A & B**).

Managers/Supervisors should provide the employee with the support they require as soon as possible. It is imperative that managers and all other people assisting the employee understand that they must not make decisions on behalf of the employee but can only offer and provide support as detailed throughout this policy.

Managers will be able to seek confidential support and advice from:

Human Resources  
Occupational Health Service via Human Resources  
Any other appropriate agencies (**Appendices A & B**).

Employees experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse will be allowed to seek appropriate support and guidance from their Line Manager or Human Resources to contact a specialist agency, during work time in a confidential environment. **(Appendices A & B)**

## **5. Perpetrators of Domestic Abuse**

The Council will ensure that employees are aware that domestic violence or abuse is a serious matter that can lead to criminal convictions.

An allegation of domestic violence or abuse, forced marriage and honour based abuse against a partner/spouse/family member who also works for Harlow Council will be handled with particular sensitivity. Providing a safe workplace may involve the suspension or redeployment of the alleged perpetrator pending a disciplinary investigation. (Information, advice and guidance will be provided by Human Resources)

The Council also recognises that perpetrators of domestic violence or abuse may wish to seek help to change their behaviour. Any employee voluntarily seeking such help will be treated in a supportive and non-judgmental way and will be signposted to appropriate help **(Appendices A & B)**. Any information that an employee provides in these circumstances will not be shared with any other individual without the employee's permission, unless there are child protection or safeguarding issues (for either a child or vulnerable adult). In these circumstances, complete confidentiality cannot be guaranteed as the relevant child or adult protection services may need to be involved and if appropriate the matter referred to the Disclosure and Barring Service (DBS).

## **6. Disclosure and Barring Service (DBS)**

The Council has a duty to make a referral to the DBS in certain circumstances. This is when an employer has dismissed or removed a person from working with children or vulnerable adults (or would, or may have, if the person had not left or resigned etc.) because the person has:

1. Been cautioned or convicted for a relevant offence; or
2. Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm) or
3. Satisfied the Harm Test in relation to children and/or vulnerable adults (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists).

If one or more of the above have been met the information must be referred to the DBS. This is regardless of whether the action or offence was in connection with their work.

## **7. Domestic Abuse: Definition**

The Government definition of domestic violence and abuse is:

'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 can encompass, 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.'

It is acknowledged that while it is usually women who experience domestic abuse from male partners, this policy and guidance applies equally to anyone, in any intimate or family relationship, who requires advice or help.

## **8. Domestic Violence and or Abuse in the Workplace**

It is important to promote the understanding that everyone has the right to a life free from violence or abuse in any form. Domestic violence and or abuse is wholly unacceptable and inexcusable behaviour and responsibility for violence and or abuse lies with the perpetrator. The Council strives to create a working environment that promotes the view that violence and or abuse against people is unacceptable and that such violence and or abuse will not be condoned.

Under the Council's Dignity at Work Policy and Disciplinary Policy, acts of harassment or bullying of fellow employees, clients, customers, suppliers or members of the public visiting the organisation, violent, threatening or abusive behaviour is considered to be a serious offence and, if appropriate, disciplinary action will be taken.

The Council recognises that every employee who experiences domestic violence and or abuse has the right to raise the issue with their employer in the knowledge that the employee will be offered safe support in a prompt, sensitive and confidential manner (subject to certain restrictions, predominantly in relation to safeguarding) and with the seriousness that these situations warrant.

## **9. Forced Marriage and Honour Based Abuse**

Honour Based Abuse can be distinguished from domestic abuse and other forms of violence as it is committed with some degree of approval and/or collusion from family and/or community members, in response to perceived immoral/shameful behaviour, which is deemed to have breached the honour code of the family or community. It may also be linked to misconceptions about culture and/or religious belief.

Forced marriage is one of the ways honour based abuse can be manifested. Men and women should have the right to choose a spouse and enter freely into marriage. This is central to their life, their dignity and equality as a human being.

Within a forced marriage or other forms of honour based abuse coercion is likely to be used to one or both spouses, by family members, friends and the wider community. This may include; threats of violence, being held against their will, emotional threats and other forms of coercion and harassment, such as not being allowed to go anywhere without being accompanied by someone.

There is a common misconception that forced marriages are confined to certain religious group and cultures, however this is not the case. The practice of forced marriage is not confined to one culture or religious group and any persons regardless of ethnicity, culture, religion, disability, age, gender and sexuality can find themselves in a situation where they are offered no choice but to proceed with the marriage.

The Council recognises that confidentiality is a crucial element in encouraging staff to come forward for help and assistance.

The Council will make assistance available to employees who are affected by Forced Marriage or all forms of Honour Based Abuse. Employees will be allowed to seek appropriate support and guidance from their Line Manager or Human Resources to contact a specialist agency, during work time in a confidential environment (**Appendix B**).

This assistance may include: confidential means for coming forward for help; resource and referral information; special considerations at the workplace for employee safety; work schedule adjustments, temporary change to working hours or leave necessary to obtain medical, counselling or legal assistance; and workplace relocation (if available). In responding to Forced Marriage or Honour Based Abuse, the Council will maintain appropriate confidentiality and respect for the rights of the employee involved. (Information, advice and guidance will be provided by Human Resources).

### **Forced Marriage: Definition**

The definition of forced marriage to be used will be in line with that used by the Home Office:

'A marriage without the consent of one or both parties and where duress is a factor'.

### **Honour Based Abuse: Definition**

The definition of honour based abuse to be used is the definition adopted by the Forced Marriage Unit at the Home Office:

"So-called honour based abuse/violence is a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community".

Any criminal offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) committed as so-called honour crime. Prosecution for the specific offence committed, e.g. common assault, GBH, harassment, kidnap, rape, threats to kill, murder.

## **10. Confidentiality**

The Council respects an employee's right to confidentiality and recognises that employees experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse normally have the right to complete confidentiality. However, in circumstances of child protection or the protection of vulnerable adults from abuse, the child protection and adult protection services may need to be involved. Complete confidentiality cannot be guaranteed in these situations and if appropriate the matter should be referred to the Disclosure and Barring Service (DBS).

## **11. Equalities**

The Council will not discriminate against anyone who has been subjected to Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse, in terms of his or her existing employment or career development.

The Council is aware that Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse victims may have performance problems such as absenteeism or lower productivity as a result of Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse. The Council will make every effort to take into account employee's personal and safety issues when dealing with absenteeism, performance etc.

Under the Human Rights Act 1998, all public bodies have an obligation to protect the human rights of individual and to ensure that their human rights are not being violated.

The Equality Act 2010 came into force on 1 October 2010 and the public sector Equality Duty, came into force on 5 April 2011. The Equality Duty ensures that all public bodies play their part in making society fairer and providing equality of opportunity for all.

An Equalities Impact Assessment has been completed and can be found on the infonet under Human Resources.

## **12. Absence options for employees experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse**

The Council will make every effort to assist an employee experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse. If an employee needs time off work, the length of the absence will be determined by the individual's situation (Please see Special leave policy) Employees and line managers are encouraged to first explore paid leave options which can be arranged in order to help the employee cope with the situation without having to take a formal unpaid leave of absence. Depending on circumstances, these options may include:

- ~ arranging flexible work hours and location so the employee can seek protection, go to court, look for new housing, enter counselling, arrange child care, etc.
- ~ considering use of job sharing, Flexi Time, TOIL, Special Leave, including formal paid and unpaid leave, etc. (Relevant forms linked to the Special Leave policy should be completed authorised and sent to Human Resources).

## **13. Health and Safety at Work**

The Council undertakes to ensure the safety of its employees and will actively provide support to employees to minimise the risk to their safety while at work, if they make it known to the Council that they are experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse.

There are four main areas of health and safety law relevant to violence and abuse at work:

- ~ Health & Safety at Work Act 1974
- ~ The Management of Health and Safety at Work Regulations 1992
- ~ The Reporting of injuries, Diseases and Dangerous Occurrences Regulations 1995
- ~ The Health and Safety (Consultation with Employees) Regulations 1996

The main responsibilities of employers and employees for the health and safety of people at work are defined by the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The Council, as an employer, has a duty to ensure that its employees are safe at work, including safety from violence or abuse from colleagues, visitors or others.

Where there is the potential for Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse to occur in the workplace, managers should assess the risk to the employee, and to other employees if relevant (confidentiality must be maintained), and put measures in place to reduce the risk. The manager should consider the risk of violent partners or ex-partners visiting the workplace, abusive phone calls, or intimidation or harassment of an employee by the alleged perpetrator. In some cases, the alleged perpetrator may also be an employee of the Council.

Managers should consider some practical options, (please see Domestic Violence and Abuse Policy Guidance for Managers, pt3. Options for Action) in consultation with the employee, taking into consideration the effects of any of these measures on services. Managers should record any discussion with the employee in confidential supervision notes, including any mutually agreed actions.

#### **14. Training managers to identify and respond appropriately**

The Council will train managers, Human Resources and Trade Union representatives to raise awareness of Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse and understand this policy and the guidance it contains.

Further information can be found on Harlow Council's website:

<http://www.harlow.gov.uk/domestic-abuse>

<http://www.harlow.gov.uk/honour-based-abuse>

<http://www.harlow.gov.uk/forced-marriage>

<http://www.harlow.gov.uk/safeguarding>

## Appendix C

### Domestic Violence and Abuse Policy (including Forced Marriage and Honour Based Abuse) Guidance for Managers

#### IN AN EMERGENCY RING 999 FOR THE POLICE

##### 1. Guidance for Managers

Employees who are experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse may not feel able to tell people at work of their situation or approach their manager with problems in the first instance. However, you may become aware of the situation as a result of other issues such as frequent absence from work, poor performance or an employee's partner frequently contacting them at work. In these circumstances, you should consider if abuse may be an underlying cause and take this into account when dealing with the situation.

If an employee discloses Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse to you, it is important to take a sensitive approach and ensure the employee is offered support. Offering appropriate support may mean that the employee is able to deal with the situation more effectively.

When dealing with a report of Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse from an employee, as a manager you should:

- Restrict access to shared information on a need-to-know basis
- Acknowledge Data Protection and information security is important, however in certain circumstances, complete confidentiality cannot be guaranteed as staff have a duty to share information with other relevant agencies when there are safeguarding concerns in respect of children or vulnerable adults. In some situations this might include making a referral to the Disclosure and Barring Service (DBS)
- Take the employee seriously, taking time to listen to them, believing what they tell you and ensuring a non judgmental approach
- Understand that an employee may wish to involve a third party, such as a colleague, trade union representative or friend, rather than speak to their line manager
- Be aware that there may be additional issues facing the employee because of their age, gender, sexuality, ethnic background, race or disability that you may need to be aware of
- Explore what support is available, explore options, and support the employee in whatever they then decide to do

If you feel you require additional guidance and support on how to deal with a case of Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse reported to you, please contact HR on 01279 446070. If you think a child, young person or vulnerable adult is suffering harm, or is at risk of harm, you must contact the Council's Designated Safeguarding Officer: Christine Selby on 01279 446192.

Always remember to guide employees to the Council's Domestic Violence and Abuse policy which includes details of National Help lines and other useful information (**Appendices A & B of policy**).

##### 2. Safety at Work

The main responsibilities of employers and employees for the health and safety of people at work are defined by the Health and Safety at Work Act 1974 and the Management of Health and Safety at

Work Regulations 1999. The Council, as an employer, has a duty to ensure that its employees are safe at work, including from violence or abuse from colleagues, visitors or others.

Where there is the potential for Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse to occur in the workplace, managers should assess the risk to the employee, and to other employees if relevant (confidentiality must be maintained unless there are child or vulnerable adult safeguarding concerns), and put measures in place to reduce the risk. The manager should consider the risk of violent partners or ex-partners visiting the workplace, abusive phone calls, or intimidation or harassment of an employee by the alleged perpetrator. In some cases, the alleged perpetrator may also be an employee of the Council.

Managers should consider some of the following practical options, in consultation with the employee, taking into consideration the effects of any of these measures on services. Managers should record any discussion with the employee in confidential supervision notes, including any mutually agreed actions.

### **3. Options for Action**

Managers have a duty to maintain a secure environment for all employees. To do this it may be necessary to explore, with the employee concerned, the possibility of informing colleagues of potential risks. The employee's consent must be sought with this approach and colleagues should be reminded that the information is confidential.

Ensure security measures, including accessibility to the workplace/building. Remind all employees not to divulge information about other employees, especially personal details such as addresses, telephone numbers or shift patterns.

Where reasonably practicable, particularly where the alleged perpetrator is a colleague, consider offering temporary or permanent changes in workplace. Consider alterations to work times, work patterns, home visits, site visits, parking etc. so as to ensure the employee is less at risk at work, and on their journeys to and from work. Also consider offering changes in specific duties, such as answering phones or working in public areas.

Providing the employee agrees, tell colleagues and how they should respond if the abuser rings or calls at the workplace. Provide colleagues with a photograph of the abuser and other relevant details. The employee's consent must be sought with this approach, and colleagues should be reminded that the information is confidential.

Make sure that the systems for recording employee whereabouts during the day are adequate and, if the work requires visits outside the office, consider how risks can be minimised (risk assessment) e.g. changing duties or allowing another colleague to accompany them on certain journeys.

Employees who have disclosed that they are experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse have the option of considering paid or unpaid time off (see Special Leave policy). If an employee requests paid/unpaid time off, this should be considered sympathetically and the options should be discussed with the employee.

Consider changes to payment arrangements because their partner has access to their finances or is applying financial pressure on them and/or considering changing contact/correspondence address.

Consider making a referral to Occupational Health or to Human Resources for referral to the confidential counselling service via Harlow Occupational Health Centre. Human Resources will be responsible for making these referrals.

All incidents of abuse, violence or threatening behaviour in the workplace, including persistent phone calls, e-mails or visits to an employee by the alleged perpetrator should be recorded on the Council's Reporting of an incident form (Staff) (SO2 Form). The Council has a statutory duty to maintain a safe place of work, which necessitates the need to monitor and record all such incidents. You should also record witnesses to these.

#### **4. Confidentiality**

Information about employees experiencing and receiving support for Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse should remain confidential as far as it is reasonably practicable. Those experiencing Domestic Violence and or Abuse, Forced Marriage or Honour Based Abuse will be asked whether they agree to their information being recorded for monitoring or further reporting purposes.

If an employee gives information that suggests that a child is at risk from abuse (whether physical, emotional, sexual or neglect, or as a witness to abuse), the manager should inform the employee that they will be making a referral to the Council's Designated Safeguarding Officer: Christine Selby on 01279 446192.

All employees are expected to abide by the Council's Code of Conduct, Disciplinary Procedure and Dignity at Work Policy. Failure to abide by these policies could lead to a disciplinary investigation under the terms of the Council's Disciplinary Procedure, which could result in disciplinary action including dismissal. Employees who are charged with criminal offences outside work related to domestic violence and or abuse may be investigated under the terms of the Disciplinary Procedure, and could result in disciplinary action including dismissal.

Managers are required to follow all practical steps that might be taken to encourage disclosure and/or discussion of abuse. Please provide information about the policy to all employees including on notice boards and hard copies which are easily accessible.

All employees can contact Human Resources at any time on 446070 to discuss all confidential and sensitive issues.

The Council recognises that perpetrators of domestic violence and or abuse may wish to seek help and support voluntarily. They will have access, when appropriate, to help and support in accordance with that laid out in the Domestic Violence and Abuse policy.

#### **Domestic Abuse**

The Government definition of domestic violence and abuse is:

'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 can encompass, 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.'

It is acknowledged that while it is usually women who experience domestic abuse from male partners, this policy and guidance applies equally to anyone, in any intimate or family relationship, who requires advice or help. **(Appendix A)**

#### **Forced Marriage and Honour Based Abuse**

Managers who support employees seeking help in relations to Forced Marriage or Honour Based Abuse will follow the principles as set out in the Domestic Violence and Abuse Policy. Employees

seeking help and support should always be specialists as listed in Appendices A and B.

signposted by Managers to practitioners and

Honour Based Abuse can be distinguished from domestic abuse and other forms of violence as it is committed with some degree of approval and/or collusion from family and/or community members, in response to perceived immoral/shameful behaviour, which is deemed to have breached the honour code of the family or community. It may also be linked to misconceptions about culture and/or religious belief.

Risk can escalate very suddenly and it is vital that you have a clear and thought out process for maintaining the confidentiality of records and who has access to the information, both to protect the client, yourself and other officers of Harlow Council.

It should always be remembered that in the case of Honour Based Abuse or Forced Marriage, perpetrators may go to enormous lengths to obtain information about the whereabouts of a victim in hiding, up to and including hacking into information held in computer databases. In some cases, existing family or professional networks have been used, eg. Taxi Drivers and GPs have been asked to divulge information.

### **One Chance Rule**

All practitioners working with victims of domestic abuse, forced marriage or honour based abuse need to be aware of the one chance rule. That is, they may only have one chance to speak to a potential victim and may only have one chance to save a life. This means that all practitioners working within statutory agencies need to be aware of their responsibilities and obligations when they become aware of potential forced marriage cases/honour based abuse. If the victim is allowed to walk out the door without support being offered, that one chance might be wasted.

Managers are encouraged to follow all practical steps that might be taken to encourage employees to seek help and guidance from practitioners and specialists who have the relevant experience in giving advice, guidance and support to the individual. **(Appendix B)**

**Please note it is important to have received the relevant training to support the Domestic Violence and Abuse Policy. If you have not received the training please contact Human Resources on 446070 to arrange the training.**