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Domestic Violence and Abuse Policy

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1 Introduction

The School is committed to ensuring that every employee who is experiencing or has experienced domestic violence has the right to raise the issue with their employer in the knowledge that we will treat the matter supportively and confidentially.

Incidents of domestic violence are common and have a serious impact on those who experience them. Studies have consistently demonstrated the prevalence of domestic violence with an estimated 1 in 10 women nationally and an increasing number of men experiencing domestic violence each year.

Many people experiencing domestic violence do not seek help and this remains a 'hidden crime'. The impact of domestic violence in terms of its effects and costs within the workplace remain largely concealed and unidentified by most employers. Research has shown that a significant proportion of people who experience domestic violence had to take time off work. Many other people also reported symptoms that had a long-term effect on their work performance such as depression, anxiety, or stress.

Domestic violence is therefore not just an issue for agencies that provide services directly to the public. It is an issue that affects all sections of society. It is important therefore, that we develop clear and effective responses to help minimise the impact of domestic violence on Trust employees. The following guidelines have been produced in line with existing Trust policies and procedures, to help deal with these issues appropriately.

For the purposes of this guidance the following Home Office definition applies;

Domestic Violence includes all kinds of physical, sexual and emotional abuse within all kinds of intimate relationships. People experience domestic violence regardless of their social group, class, age, race, disability, sexuality and lifestyle. The abuse can begin at any time - in new relationships or after many years spent together.

Domestic Violence can take many forms such as physical assault, sexual abuse, rape and threats. In addition, it may include destructive criticism, pressure tactics, and disrespect, breaking trust, isolation and harassment.

Taken from "Domestic Violence: Break the Chain", Home Office, Jan 1999

1.1 Scope

Whilst it is overwhelmingly women who experience domestic violence, these guidelines apply equally to any School employees and also includes Governors and agency/supply teaching staff, Visitors, Volunteers and Contractor staff who require help and advice about violence to themselves or within the home.

1.2 Equality Statement

This policy applies equally to all School employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

2 Identifying the problem

It is unlikely that an employee who experiences domestic violence will tell people at work of their situation or approach the School with their problems in the first instance. It is far more likely that the School will become aware of the situation through associated issues such as absence monitoring, poor performance or changes in behaviour.

As with other welfare issues, identifying that an employee is experiencing difficulties at an early stage will enable appropriate help to be accessed. This in turn could mean that the member of staff is able to deal with their situation far more effectively.

The School will adopt a sensitive and non-judgmental approach when dealing with employees who have experienced domestic violence. Whilst the information disclosed may be very distressing, it is essential that any action taken is within the framework of the policy and uses the support mechanisms and agencies identified.

This should include;

- Taking the issue seriously, taking time to listen to the employee.
- Ensuring that any discussion about the employee's situation takes place in privacy and that you respect their confidentiality as far as possible.
- Understanding that the member of staff may not wish to approach the School or Governors, and may prefer to involve a third party such as a colleague, trade union representative or Human Resources. It may be appropriate to offer the option of speaking to an HR Adviser who will be able to advise the employee and the School or Governors on what support may be sought.
- If an employee does not wish to speak to the School or Governors, they should be advised of the difficulties which may arise if the School is not aware of the relevant facts and circumstances (for instance if there is a potential health and safety issue or if other action is being taken on performance or absence monitoring).
- Being aware that there may be additional issues faced by the employee because of their age, gender, sexuality, ethnic background, disability etc.
- The employee may need some time to decide what to do and may try many different options during this process. Research has shown that it can take a long time to break free of a violent relationship. You should not assume therefore, that because an individual returns or stays in a violent relationship that the violence was not severe or did not take place.
- Being aware that if someone approaches you and advises you that they intend to flee to a place of safety that day that you may refer them to Homeless Welfare for immediate support. In these circumstances it would be appropriate to approve special leave.
- Being aware of what support is available and explore these options with the employee. However, if the employee does not want to contact other agencies, you must respect their wishes.

3 Ensuring safety

The responsibilities of employers, employees and others for the health and safety of persons at work are defined by the Health and Safety at Work Act 1974 and associated regulations and codes of practice. The School can provide guidance on how to deal with incidents where an employee is verbally abused, threatened or physically assaulted in the course of their duties. The strategies outlined to deal with violence towards employees will apply to most situations of violence in the workplace. However, the School may have to consider additional factors if these incidents involve domestic violence. These incidents may involve violent partners or ex-partners visiting the workplace, abusive phone calls, or intimidation or harassment of an employee by the alleged perpetrator.

Examples of how these issues might be addressed include the following measures;

- Improving security measures, such as changing key pad numbers or ensuring that access to buildings is open to authorised staff only.
- Reminding reception staff not to divulge information about employees, especially personal details such as addresses, telephone numbers or work patterns. In the event of enquiries from other agencies these should be responded to by the line manager on a 'ring back' basis.
- Wherever practical offering temporary or permanent changes in workplace, work times and patterns, helping to make the employee less at risk at work and on their journeys to and from work. This could include changes to the School workplace to ensure that the employee is not visible from reception points or from ground floor windows.
- Wherever practical offering changes in specific duties, such as answering phones or working in reception area, or in exceptional circumstances, redeployment to another post if an alternative is not easily found.
- Agreeing what to tell colleagues and how they should respond if the abuser rings or calls at the workplace. Providing colleagues or care takers/site managers with a photograph of the abuser and other relevant details such as car registration numbers may help them to maintain security in the workplace.
- Making sure that the systems for recording staff whereabouts during the day are adequate and if the work requires visits outside the office, considering if this poses any additional risks.
- Recording any incidents of harassment or violence in the workplace, including persistent phone calls, emails or visits, to an employee by their partner or ex-partner. You should also take down details of any witnesses to these incidents. These records could be used if the employee wants to press charges or apply for an injunction against the alleged perpetrator. In the event that the actions of an alleged perpetrator of domestic violence impinges on the health and safety of staff within or near the workplace then the employer could also apply for an injunction.

The School and Governors may have to take into account whether the above measures are operationally appropriate. However, ensuring that employees are safe should be of primary consideration throughout this process. In the event that employees within the work place are in imminent danger then the police should be called immediately (using 999).

4 Confidentiality

Once an employee has confided to the School or Governors that they are experiencing domestic violence, the School or Governors should reassure them that they will keep this confidential as far as possible. An exception to this is where child protection issues arise, for instance, if an employee gives information that suggests that their child or another child is at risk from abuse (whether physical, emotional, sexual or neglect). In this instance, the School should inform the employee that they are seeking further advice via the Local Authority Designated Officer and that they will have a duty to pass information to this department.

The School has a duty to maintain a secure environment for all staff and this could be made easier if colleagues are aware of potential risks. However, it is essential that the employee provides consent as to what information will be shared with colleagues.

Staff will be reminded that this information is confidential and any unauthorised breaches of this could be subject to disciplinary action being taken. Under no circumstances should information in respect of changed work location or home address be divulged without the express consent of the employee.

The consequences of breaching confidentiality could have serious effects for the person experiencing domestic violence. Statistics have shown that the risk of more serious assaults, permanent injury and murder takes place when a woman decides to leave home or immediately after. It is important therefore, not to underestimate the danger or assume that the fear of violence is exaggerated.

5 Supportive measures

Employees of the school have provision to allow both paid and unpaid leave for domestic reasons and the School will look sympathetically at requests for reasonable time-off for employees who have disclosed that they are experiencing domestic violence. Each case will be treated on its merit and advice should be sought from the HR Adviser. In addition, requests for time-off from employees who are experiencing domestic violence, to arrange appointments during the normal working day will also be treated supportively.

These appointments could include;

- appointments with support agencies such as Women's Aid, Social Services or counsellors
- arranging re-housing
- meetings with solicitors
- making alternative childcare arrangements

The School will also explore other measures supportively, such as temporary negotiated hours, where requested by employees experiencing domestic violence. Employees are entitled to special leave to attend hearings as a prosecution witness in the criminal courts. If an individual is required to attend a hearing as a witness in either the civil or criminal courts (and has been called under a subpoena or a witness summons) then a witness allowance may be claimed from the court. In the event that an individual has been allowed time off work to attend such a hearing then pay will be reduced to reflect the amount of any allowance received. Additionally, if there are circumstances where an employee is attending court and is seeking an injunction, or order, in cases of violence or harassment, time-off with pay may be considered.

The School will record absences or applications for special leave which relate to domestic violence in accordance with normal School procedures. These incidents will be treated and recorded as confidential. Individuals leaving a violent partner may face considerable financial hardship or have concerns about finding suitable accommodation for themselves and their family. Advice should be sought about what appropriate measures can be taken to help employees in these circumstances, for example referring employees to Homeless Welfare for crisis accommodation, support and advice.

If the employee has disclosed that their partner has access to their finances or is exerting economic pressure upon them, the School will do all it can to support a changed method of salary payment. In exceptional circumstances a limited advance of salary might be considered.

If appropriate and with the employee's consent, the School may also consider referring the employee to Occupational Health.

6 What to do if a School employee is a perpetrator of violence

Employees should be aware that domestic violence is a serious matter that can lead to criminal convictions. Conduct outside of work (whether it leads to a criminal conviction or not) can also lead to disciplinary action against an

employee because of its employment implications, and because it undermines the confidence the School (as employer) has in the employee.

Where the School suspects that one of its employees is a perpetrator of Domestic violence, an investigation of the facts will be undertaken, and a view will be taken as to whether the conduct is sufficiently serious to warrant instigating the disciplinary procedures. It is advisable in these circumstances to take advice from Human Resources.

In addition such conduct may make certain job duties inappropriate. For example, it would not be appropriate for a perpetrator of domestic violence to be providing services to vulnerable people and children, and a change of duties or a transfer will need to be considered in such circumstances. Similarly, proven harassment and intimidation of Trust employees by their partner or ex-partner who also works for the School or Local Authority will be viewed seriously and may lead to disciplinary action being taken.

If any of the circumstances set out in this section are brought to the School or Trustee Boards attention, HR advice should be sought in the first instance. Where anyone in the School or Trustee Board become aware of child protection concerns when informed that an employee has been a perpetrator of domestic violence this must be alerted to the Designated Safeguarding Lead who will take the matter further via the Local Authority Designated Officer ('LADO').

7 Raising awareness

The School is committed to tackling the issues of domestic violence. It is essential therefore that the working environment promotes the view that violence within or outside the workplace is unacceptable and will not be condoned nor made the subject of jokes or graphics.

The School will aim to raise awareness through the following measures:

- preparation and distribution of information publicising the issue and the School's policy
- briefings to senior management team and other appropriate line managers and supervisors
- inclusion of issues relating to domestic violence in relevant in-house training sessions and as part of the School's induction
- specialised training or briefing sessions for designated contact officers to ensure they understand their role
- publicising information for the School workforce on where to seek help.

8 Important contacts

<http://www.areyouok.co.uk> - Torbay Domestic Abuse Service

Domestic and Sexual Violence and Abuse

Devon's domestic abuse helpline - 0345 155 1074

<http://www.devonrapecrisis.org.uk/> - Devon Rape crisis - helpline - 0808 802 9999

<http://theoakcentresarc.org.uk/> - For Help after Rape or Sexual Assault - 01392 436967

North Devon Against Domestic Abuse - Contains information about domestic abuse and how to get help.

Stop Abuse For Everyone (SAFE) 030 30 30 0112 - SAFE specialised services to those affected by domestic violence and abuse.

Victim care unit - The victim care unit will help victims navigate and make informed choices about the organisation they wish to receive support from. Call 01392 475900 - Lines are open 8am to 8pm Monday to Friday and Saturday to Sunday 9am to 5pm

9 Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

HRpolicy@torbay.gov.uk

9.1 History of Policy Changes

Date	Page	Details of Change	Agreed by:
Sep	All	New iteration	

This policy was produced by Education HR and is intended for paying subscribers only

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