

Guidance for Managers and Staff in the Implementation of Supporting Employees Experiencing Domestic Abuse

Introduction

1. The Highland Council as a major employer in Highland recognises its significant responsibility to provide a safe and effective work environment that responds to its employees needs. Statistically in Scotland 1 in 5 women experience domestic abuse in their lifetime, and 1 in 10 in any one year. (Scottish Govt Stats 2005). Domestic abuse must be recognised as being serious, preventable and an important issue for an organisation that cannot be ignored. Domestic abuse may affect employee's productivity, emotional and physical health and well-being and there is the possibility that there may be an increased risk of workplace violence. It must also be acknowledged however that the workplace may be one of the 'safe' places where those experiencing abuse can access the support and help they need.
- 1.1 To meet the Highland Councils policy commitments clear processes, guidelines and protocols must be adopted so that managers are clear about:
 - what domestic abuse is and why it should be prevented
 - the impact of domestic abuse on the workplace
 - how to support any employee who is experiencing domestic abuse
 - when its appropriate to act , and
 - what action can be taken.

2. What is Domestic Abuse?

Domestic Abuse is not just about actual physical violence. It can involve sexual abuse and/or emotional abuse – for example; undermining of self- confidence; destruction of property; threats to others including children; controlling behaviour such as isolation from friends and family; control over access to money, personal items, food, transportation and the telephone; and stalking.

The Highland Council has adopted the following definition used by the Scottish Executive.

'Domestic abuse (as gender-based abused) can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviours such as isolation from family and friends).'

2.2 Misconceptions about the causes of abuse against women are many, but contrary to widely held beliefs:

- Domestic abuse is frequent, premeditated and secret
- It happens to people from all social classes
- It is not caused by drinking alcohol or taking drugs or living with domestic abuse as a child.

2.3 A popular misconception is that domestic abuse is a crime committed towards women by certain kinds of men with a specific psychological profile who can be easily identified. The reality is that domestic violence and abuse is perpetrated by people of all social classes and occupations. Domestic abuse can only be perpetrated by partners or ex partners but may include extended family members as part of that abuse.

3. Indicators of Domestic Abuse

3.1 Possible signs of domestic abuse could include:

- late or high absenteeism rate without explanation
- uncharacteristic depression, anxiety, distraction or problems with concentration
- changes in the quality of work performance for no apparent reason
- the receipt of repeated upsetting calls/texts/emails, or the individual being a victim of vandalism or threats
- obsession with time
- needing regular time off for appointments
- inappropriate or excessive clothing
- repeated injuries, or unexplained bruising or explanations that do not fit the injuries displayed; and
- increased hours being worked for no apparent reason.
- Withdrawal from interaction with others, where this was not previously evident

3.2 It is important to note that this is not a checklist. Some victims may display no easily recognisable signs of abuse. Individuals experiencing domestic abuse suffer a broad range of physical and emotional consequences which may be different to those above.

4. Principles

4.1 Abusive behaviour is the responsibility of the perpetrator. No proof of abuse is needed and a statement from someone experiencing domestic abuse must be enough for them to be given support and information on protection and help.

- 4.2 Fair and open practices are key when responding to domestic abuse, including non-discrimination against abused women in recruiting and promoting women, and sensitivity in assessing performance.
- 4.3 A victim's experiences of domestic abuse may be compounded by racist reactions, isolation, language and cultural barriers or other reactions to age, sexuality or disability. The same access to information and support should be available for everyone experiencing domestic abuse.
- 4.4 Managers should not make assumptions about what action is appropriate because of a woman's age or because she is black, disabled a lesbian or whether or not she has children.
- 4.5. It should also not be assumed that only a husband/male partner is a threat because abusers may include relatives, friends and same sex partners.
- 4.6 Incidents of abuse that take place in the workplace must be dealt with in a clear and effective manner, as it can be very damaging and potentially dangerous for both the abused employee and their colleagues.

5. Role of Line Managers

- 5.1 Individual Line Managers, in consultation with staff in HR, can play a key role in supporting staff that are being subjected to, or have experienced domestic abuse. However, Managers must not feel that they are responsible for resolving this issue. In the context of domestic abuse it is important to understand this distinction as it will help reduce the potential for confusion of the manager's role.
- 5.2 Managers will be advising staff of the provisions within the policy and procedures to assist in providing the most appropriate support available, and providing contacts to ensure that employees who wish to seek assistance have access to the most appropriate professional help available.
- 5.3 Managers have an overall responsibility for the health, safety and wellbeing of the employees they manage.
- 5.4 As previously stated Managers will be aware that domestic abuse can lead to poor work performance, and as an outcome it may be that the individual is already the subject of disciplinary procedures when the issue of domestic abuse first comes to light. Therefore, where domestic abuse is suspected, managers should contact HR for advice before any discussion with the employee takes place.
- 5.5 Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity, reinforcing that, as far as possible, confidentiality will be respected.
- 5.6 Managers should try to be specific during the meeting and make clear that what they have seen is leading them to have the conversation.
- 5.7 HR will provide support to managers as required.

5.8 The following are practical steps that might be taken to encourage discussion/disclosure of abuse, and enable the manager to provide ongoing support:

- providing information about the policy to staff, e.g. on notice-boards, notices in toilets etc
- ensuring that the list of domestic abuse link staff is available to all employees so that there are options regarding who the issues can be shared with
- creating an environment where the employee feels safe and able to talk about issues that are affecting them
- Listening and believing what they are saying. You must provide a sensitive, non judgemental response and reassure the employee that they are not to blame, that there is no justification for this treatment of them and that there is help and support available, both through the organisation and links with external agencies
- The information you receive must be treated in complete confidence and you must give reassurance of this. However, one exception is where child protection issues could 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) , then it is essential to pass this information on to others in the organisation, HR in the first instance. This requirement must be explained to the staff member at the outset.
- be aware of any additional issues for any employee because of their ethnic background, age, sexuality or disability
- Prioritise safety. Discuss the development of a mutually agreed workplace safety plan with the employee – remember that those experiencing domestic abuse are best able to assess the danger to themselves
- consider the appropriateness of carrying out a workplace risk assessment for other employees
- be flexible with working hours, workloads and discuss the option of negotiated time off to make arrangements, for example for meetings with solicitors, making financial arrangements, schooling or housing
- Make arrangements for keeping in touch with the employee during any period of absence, maintaining confidentiality regarding their whereabouts at all times.

5.9 Managers must be aware that it is often very difficult for a person experiencing domestic abuse to admit to the reality of the situation. The decision to break free from abusive relationships is the employees alone. This must be acknowledged and respected throughout the process of support.

6. The Role of HR Organisational Development Unit

- 6.1 HR Organisational Development Unit has the central responsibility of developing a policy and procedures that advises both employees and managers on domestic abuse. They will also review and update other policies, procedures and practices which are linked and could affect the implementation of this policy to ensure that awareness and support mechanisms are instigated and applied, for example, health and safety management, performance and absence management, special leave, flexible working and redeployment. Their direct involvement will be one of consultancy, support and advice to Managers and staff.
- 6.2 It is important that employees experiencing domestic abuse know that help is available. If the individual does not feel comfortable talking to their line manager or HR in the first instance, there should be another avenue of support available.
- 6.3 It will be the responsibility of the Organisational Development Unit to instigate the identification, selection, training and 'marketing' of a 'domestic abuse link staff' within the organisation to whom those affected can talk safely and confidentially.
- 6.4 OD Unit responsibilities will therefore include:
- publishing and promoting the policy and procedures to all staff
 - advising employees and managers on the implementation of the policy
 - 'recruiting' and training link staff from within the organisation as people to approach if employees wish to discuss issues of a personal nature with someone other than their line manager or HR
 - reviewing all policies and procedures to reflect commitment of Highland Council to staff experiencing domestic abuse
 - ensuring the availability of guidance is publicised to staff in correspondence where relevant i.e. for staff preparing for maternity leave (statistics suggest that the first occurrence of domestic abuse can occur during pregnancy)
 - working with managers to respond to domestic abuse, including utilising approved policies such as granting special leave, allowing flexible or more flexible working, arranging salary advances when appropriate and if required, opportunities for redeployment
 - maintaining an up-to-date list of organisations and contacts able to support people suffering abuse
 - advising managers on the sensitive use of performance or absence management procedures
 - ensuring that as part of management training, sessions include the recognition of signs of domestic violence and appropriate responses including the duty of care to pass on information where a child is thought to be at risk
 - working with Trade Unions to play a supporting role to their members in the implementation of the policy and guidelines
 - regularly reviewing the domestic abuse policy to ensure that it meets the needs of the organisation and staff.

7. Risk of Violence in Workplace

- 7.1 Although we have a policy and guidelines for management and staff on Violence at Work, it is likely that it will not protect survivors of domestic abuse from abusive partners. The point at which a woman leaves the relationship is when they are at the greatest risk of serious injury or homicide.
- 7.2 Our responsibility should be increased towards the employee when a current or former partner has threatened them. The threat may not be an isolated incident and the perpetrator may already have knowledge of working hours, phone numbers, colleagues and security entry systems.
- 7.3 Anyone experiencing domestic abuse is particularly vulnerable while at work. Once a victim has tried to leave an abusive relationship, the workplace may be the only place the perpetrator is able to locate her.
- 7.4 There is also a risk if the perpetrator, or their friends or colleagues work within the Council. Security of personal information, including payroll records is paramount to ensure addresses and other details are kept confidential.
- 7.5 When looking at any issue affecting employees and the workplace cost, safety, liability and productivity should be considered. Domestic abuse is no different.
- 7.6 By working to mitigate the risks related to domestic abuse, an organisation will also create a safer workplace for an employee experiencing abuse and will send out a strong message that domestic abuse is unacceptable and responding to it makes good business sense.
- 7.7 Employees experiencing domestic abuse may receive harassing or repeated phone calls, texts or emails, unwelcome notes on their cars or unplanned and unannounced visits at work. They may also be stalked, physically assaulted or murdered either travelling to and from, or at work
- 7.8 Children using educational childcare facilities may also be in danger of abuse or abduction whilst on the premises. Colleagues may also be followed to or from work or subjected to questioning about how to contact the victim or where he or she can be found.
- 7.9 Perpetrators may also be using workplace resources – phones, email or other means to threaten, harass or abuse their current or former partners.
- 7.10 An employee may intentionally misuse their position or encourage others to do so, to negatively impact on abused women, perhaps by assisting perpetrators to locate their partners, carry out acts of domestic violence or by protecting the abuser.

8. Employees who are perpetrators

8.1 Employees should be aware that domestic abuse is a serious matter that can lead to criminal conviction.

8.2 Conduct outside of work (whether or not it involves police action/criminal conviction) can also lead to disciplinary action against an employee because of its employment implications and because it undermines the confidence the Council (as an employer) has in the employee. There should be an investigation of the facts as far as is possible, a view taken and consideration given as to whether the conduct is sufficiently serious to warrant instigating disciplinary procedures.

8.3 Factors which would determine what action is considered will include:

The nature of the alleged or proven conduct

Any knowledge of historically similar conduct

The nature of the work undertaken by the employee

The extent to which it involves contact with other employees, the general public, or vulnerable client groups

8.4 In addition, such conduct may make certain duties inappropriate and justify consideration for redeployment. It may not be appropriate for a perpetrator of domestic abuse to be providing services to vulnerable adults and children, or to remain within relatively easy access of their victim, and a change of duties or a transfer may need to be considered.

8.5 Similarly, any proven harassment, intimidation or violence of Council employees by their partner or ex partner who also works for the Council will be viewed seriously and may lead to disciplinary action being taken.

8.6 If any of the above circumstances are brought to a manager's attention, advice from HR **must** be sought in the first instance.

8.7 It may also be the case that perpetrators could bring the Council into disrepute by the misuse of workplace resources, information and authority in enabling the abuse to continue.

8.8 There must be no collusion with employees who are perpetrators of domestic abuse. Consideration would also need to be given as to whether a perpetrators conviction for domestic abuse brings the Council into disrepute, in some cases, depending on their post within the Council it could be regarded as gross misconduct. This may include cases where there is no clear conviction, e.g. cases diverted from prosecution, those cases where reduced charges are agreed which may not, at first presentation, reflect specific domestic abuse. Advice from the Criminal Justice Services Team must be sought in these circumstances.

9. **Special Leave and other supportive measures**

- 9.1 The Council has provision to allow paid and unpaid leave at the discretion of the Service Director and Depute Chief Executive/Director of Corporate Resources. Managers should look sympathetically at requests for reasonable time off for employees who have disclosed that they are experiencing domestic abuse.
- 9.2 Managers may receive requests for time off from employees who are experiencing domestic abuse to attend appointments during the normal working day. These requests should be treated sympathetically and consideration given under the flexible working scheme where appropriate. These appointments could include:
- appointments with support agencies such as Women’s Aid, Social Services or counsellors
 - arranging rehousing
 - meetings with solicitors
 - making alternative childcare arrangements, including meetings with schools.
- 9.3 Employees are entitled to special leave with pay to attend hearings as a witness in either civil or criminal courts if they have been called under a subpoena or a witness summons. Additionally, if there are circumstances where an employee is attending court and is seeking an injunction or order in cases of domestic abuse or harassment, time off with pay should be considered.
- 9.4 Managers should record absences or application for special leave in accordance with normal council procedures. However where these incidents relate to domestic abuse HR should be informed and a confidential monitoring system will be instigated which will enable the council to monitor the frequency of absences across the whole council relating to domestic abuse.
- 9.5 There may be access to other facilities such as emergency funds via the staff members Trade Union.
- 9.6 Information on alternative accommodation can be made available through **Housing Options**.

10. **Domestic Abuse Link Staff**

- 10.1 Because of the sensitivity of the situation, the normal points of contact for staff may not be sufficient or adequate. The Highland Council recognises that staff may not wish to go through normal line management or HR advisers to discuss issues relating to domestic abuse.
- 10.2 To acknowledge this the Highland Council has identified four individuals, (three women and one man to reflect the statistical evidence which shows 91% of victims of Domestic Abuse in Highland are women. Each area has a women link person with the male link person being based at HQ but available to all male

staff in the Council. These people can be approached in confidence by staff, to discuss issues relating to domestic abuse. The contacts will not see themselves as counsellors but are given specific training for the role and have clear responsibilities.

10.3 Their responsibilities will be to:

- listen to employees, stressing that anyone who seeks help will be believed
- treat the information given in confidence and with discretion
- stress that support will be given without any judgements being made or conditions attached
- advise staff of the provisions of the policy and procedures to assist in securing the most appropriate support available; providing contacts to ensure that employees seeking assistance have immediate access to appropriate professional assistance
- be supportive and sympathetic
- keep lines of communication open between manager and employee, and act as intermediary if appropriate and necessary.

10.4 It is often very difficult for a person experiencing domestic abuse to admit the reality of their situation to themselves let alone to others. It can also take a very long time for people to break free of abusive relationships, but at all times it must be acknowledged that it is for the employee to decide their course of action at every stage.

11. Further Information

11.1 For further information about this guidance contact (HR@highland.gov.uk)

12. Support Services

There are a number of organisations dealing with Domestic Abuse. Details are given below.

National Domestic Abuse Helpline	0800 027 1234
Local Women's Aid Advice Centres	
Inverness	01463 220719
Ross-shire	01349 863568
Lochaber	01397 705734
Caithness & Sutherland	0345 408 0151
Community Violence and Abuse Support Service (Nairn, Badenoch and Strathspey)	01667 455544
Rape and Sexual Abuse Service Highland (RASASH)	Monday, Wednesday and Friday 09:30-13:00 Tuesday and Thursday 13:00-16:40 03330 066909

Rape Crisis Scotland	Available every evening between 18:00 and midnight 08088 010302
For Housing Options	See details found here
Social Services (Emergency out of hours)	0845 601 4813
Advocacy Highland	01463 233460
Amina Muslim Women's Helpline	0808 801 0301
Hemat Gryffe Women's Aid Glasgow	0141 353 0859
Shakti Women's Aid Edinburgh	0131 475 3299
Victim Support	0845 603 9213
Useful Websites	www.scottishwomensaid.co.uk www.scotland.gov.uk www.zerotolerance.org.uk www.rasash.org.uk/support