

DOMESTIC ABUSE AND SEXUAL VIOLENCE POLICY

INTRODUCTION

1. Carmarthenshire County Council is committed to tackling all forms of violence and abuse, including domestic abuse and sexual violence of women and men. It is therefore crucial to treat cases of domestic abuse and sexual violence seriously.
2. The Council recognises that its employees will be amongst those affected by domestic abuse and sexual violence, either as victims/survivors of domestic abuse and/or sexual violence; friends, family or colleagues of victims/survivors; or perpetrators of domestic abuse and/or sexual violence.
3. The Council is committed to ensuring a safe workplace and to safeguarding the health and wellbeing of employees. It is committed to developing a workplace culture in which there is zero tolerance for violence and abuse and which recognises that the responsibility for domestic abuse and/or sexual violence lies with the perpetrator.
4. This Policy has been produced as the Council recognises that domestic abuse and sexual violence are:
 - unacceptable
 - may impact on the workplace and the Council has a responsibility for the health, safety and welfare of its staff
 - can impinge on an individual's work performance and ultimately on service provision.
5. This document outlines the role of Carmarthenshire County Council in supporting employees who have experienced or are experiencing domestic abuse and/or sexual violence and where there are concerns that an employee may be the perpetrator of domestic abuse and/or sexual violence.

ENSURING EQUALITY OF TREATMENT

6. This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non-belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status, pregnancy or maternity.
7. If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

POLICY STATEMENT

8. Carmarthenshire County Council is committed to working in partnership with other agencies or bodies in the statutory or voluntary sector to combat domestic abuse and sexual violence.
9. The Council will take all reasonable steps to deal with domestic abuse and sexual violence through the support offered to its staff.
10. Staff who are experiencing or have experienced domestic abuse and/or sexual violence will be able to raise the issue with his or her Manager, in the knowledge that the matter will be treated effectively, sympathetically and confidentially. Please refer to Guidance Note 1.
11. The core aims and objectives of this Policy are:
 - to support staff experiencing domestic abuse and sexual violence and to remove fears of stigmatisation
 - to ensure staff seeking assistance are confident that their situation will be handled seriously, compassionately and confidentially by all those involved
 - to ensure all staff are aware of this Policy and its wider implications for the services that we provide to the community and the effects within the workplace
 - set out the actions the Council will take if employees are perpetrators of domestic abuse and sexual violence. Please refer to Guidance Note 2

SCOPE

12. This policy applies to all employees of Carmarthenshire County Council excluding staff employed by locally managed schools where the governing body will determine the policy. However, in the absence of a policy and where a member of staff employed by a locally managed school requires support the governing body is recommended to apply the principles contained below.

RAISING AWARENESS

13. The Council is committed to promoting zero tolerance of domestic abuse and sexual violence against its entire staff. It is essential therefore that the working environment promotes the view that violence against anyone is unacceptable and that such violence will not be condoned or made the subject of jokes or graphics.
14. The Council will aim to raise awareness through the following means:
 - inclusion of issues relating to domestic abuse and sexual violence in relevant in-house learning and development activities
 - inclusion of issues relating to same-sex and trans gender domestic abuse and sexual violence in relevant in-house learning and development activities
 - by posting information on the Council's Intranet Site and newsletters

- by publicising the role of Carmarthenshire Domestic Abuse Forum and publicising Local Support Agencies. Please refer to **Appendix A**.

ROLES AND RESPONSIBILITIES

15. **Directors and Heads of Service** - The responsibility for implementing the requirements of this policy and for the preparation of an implementation strategy rests with each Service Director and Head of Service.
16. **Managers** – Managers should endeavour to support those experiencing domestic abuse and sexual violence in an empathetic, non-judgemental and confidential manner and ensure the consistent application of this policy within their own service area. Please refer to Guidance Note 3
17. **Employees** – All employees are required to adhere to the principles of this policy and to seek assistance or clarification from their line manager, where necessary. Please refer to Guidance Note 4
18. **Human Resources** – Human Resources, with support from the Community Safety and Safeguarding Teams, is responsible for the development and review of this policy, in line with legislation and best practice. Human Resources will provide advice and guidance on the application of this policy and any associated policies and procedures.
19. **Social Work, Safeguarding and Community Safety Teams** – In the event that an employee is referred to one of these teams either as a victim or as a perpetrator of domestic abuse and/or sexual violence, the relevant professional should bring this policy to the attention of the individual.

DEFINITIONS OF DOMESTIC ABUSE; SEXUAL VIOLENCE; AND VIOLENCE AGAINST WOMEN

20. For the purpose of this policy, the Government's definition of domestic violence and abuse has been adopted, which states that:

'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 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 pattern of acts of assaults, threats, humiliation and intimidation and other abuse that is used to harm, punish, or frighten their victim.’

21. The Government definition, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.
22. For the purposes of this policy, the United Nations definition of Sexual Violence and Violence Against Women has been adopted, which states that:

Sexual Violence is any act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person’s sexuality using coercion, by any persons regardless of their relationship to the victim, in any setting,

Violence Against Women is any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering by women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

The Council acknowledges that both men and women can be victims but in Wales, as in the rest of the world, women are disproportionately affected by all forms of intimate violence. Violence against women constitutes a serious violation of the human rights of women and girls and is a major obstacle to the achievement of equality between women and men.

23. Examples of domestic abuse and sexual violence include:
 - physical, sexual or psychological abuse e.g. slapping, pushing, kicking, punching, stabbing, rape, verbal abuse, humiliation;
 - financial or emotional deprivation e.g. withholding money, not allowing friends to visit or phone calls
 - the use or threat of using legal sanctions against a partner e.g. threats of deportation
 - denial of rights e.g. denial of medical care, physical freedom.

24. Whilst it is recognised that it is overwhelmingly women who report domestic abuse and sexual violence, these guidelines equally apply to men.

DOMESTIC ABUSE AND SEXUAL VIOLENCE AND SAME SEX RELATIONSHIPS

25. Domestic abuse and sexual violence is as common and as severe amongst same sex couples as heterosexual couples. However, there is a general lack of recognition that same sex domestic abuse and sexual violence can occur. This lack of visibility makes it difficult for Lesbian, Gay and Bisexual (LGB) people to report incidents or feel protected.
26. LGB people are less likely to confide that they are experiencing domestic abuse and/or sexual violence for a number of reasons. LGB employees who work in an environment where no-one knows their sexual orientation may be reluctant to disclose for fear of discrimination or where they are 'out' at work they may be reluctant to highlight a problem within a relationship.
27. When dealing with a disclosure of domestic abuse and/or sexual violence from an LGB employee, particular care must be taken to ensure the employee's sexual orientation is not disclosed to other colleagues or managers without the employee's consent.

DOMESTIC ABUSE AND SEXUAL VIOLENCE EXPERIENCED BY TRANSGENDER PEOPLE

28. The terms 'transgender' and 'trans' are umbrella terms encompassing a diverse range of people who find their gender identity does not fully correspond to their sex at birth. Trans people can experience domestic abuse and sexual violence from a same or opposite sex partner, regardless of the gender identity of either person.
29. Trans people may experience many of the same barriers to disclosure as those outlined above, but also face additional and unique barriers. An abuser may threaten to disclose the victim's gender identity to their employer, family or community without their consent, which can act as a deterrent to seeking help. Trans people may also fear discrimination when accessing services, especially single sex services which may be inaccessible for some trans people.

DOMESTIC ABUSE AND SEXUAL VIOLENCE AND THE WORKPLACE

30. Domestic abuse and sexual violence can impact greatly on an individual's working life, affecting productivity, emotional, mental and physical health.
31. Employees experiencing domestic abuse and/or sexual violence may receive repeated or harassing communication, or unannounced visits at work from their

partner or ex-partner. Individuals may also be stalked, harassed or assaulted while travelling to and from work.

32. Domestic abuse and sexual violence can also be the cause of various mental health issues, and victims sometimes use alcohol or other substances to cope with the abuse. These factors are also likely to impact on an individual's ability to function as normal at work.
33. The workplace can be a place to escape violence but also somewhere the perpetrator can locate the person experiencing violence. Perpetrators may be able to use workplace resources – phones, email or other means to threaten, harass or abuse their current or former partners
34. Tackling domestic abuse and sexual violence can therefore have considerable benefits to our organisation. Offering support to victims can ensure that valued employees are retained and their performance sustained. Taking a zero tolerance stance to violence and abuse, including addressing the behaviour of perpetrators of domestic abuse and sexual violence can also ensure that our organisation's reputation is upheld as an employer that values and safeguards its employees.

GUIDANCE

There are separate guidance notes attached to this policy for victims, perpetrator, managers and employees, as appropriate:

NOTE 1: current victims and survivors of domestic abuse and sexual violence;

NOTE 2: perpetrators of domestic abuse and sexual violence;

NOTE 3: managers of the above employees; and

NOTE 4: colleagues of the above employees

If you require this publication in an alternative format please contact People Management on 01267 246100 or email:

PMPBusinessSupportUnit@carmarthenshire.gov.uk

Guidance Note 1: For victims and survivors of domestic abuse and/or sexual violence

Carmarthenshire County Council is committed to ensuring that anyone disclosing domestic abuse and/or sexual violence will be listened to and supported.

If you disclose domestic abuse and/or sexual violence to your manager, you can expect a sensitive and non-judgmental response and be able to discuss how the Council can support you.

It is appreciated that it is hard for anyone to report domestic abuse and/or sexual violence but it is recognised that you may find it difficult if you are in a same sex or transgender relationship. This policy is inclusive of all our employees and is there to support you.

Remember

- **It is not your fault**
- **You will be listened to**
- **There is support available**

As an employee you can expect Carmarthenshire County Council to support you to access confidential help and support if you wish.

The Council recognises that becoming free from abuse is a process that can take a long time, and will not judge any decisions made by you, but will provide on-going non-judgmental support.

Sources of support available in Carmarthenshire are listed in **Appendix A**.

Confidentiality

If you disclose that you are experiencing domestic abuse and/or sexual violence you can expect that any information you provide is confidential and will not be shared with other members of staff without your permission.

In circumstances where there are concerns about children or vulnerable adults, confidentiality cannot be assured. However, as far as possible, information will only be shared on a need-to-know basis.

Breaches of confidentiality by any member of staff will be taken seriously.

Right to privacy

Whilst Carmarthenshire County Council is committed to creating a workplace environment that enables you to disclose domestic abuse and/or sexual violence, it also respects your right to privacy and will not force you to share this information if you do not want to.

Safety planning

If you disclose domestic abuse and/or sexual violence you can expect that your safety will be prioritised. Steps should be taken to minimise risks in the workplace, and you should be included in these decisions where possible in conjunction with your line manager.

Time Off

You might need time off to deal with a range of issues such as counselling, visits to support agencies, GP, police, solicitor, childcare, housing etc. You should feel able to discuss reasonable time off with your manager who can authorise paid or unpaid time off as appropriate in line with the Council's Compassionate and other Leave Policy.

Where domestic abuse impacts on your children, you may need to be granted emergency carer leave in line with the Time Off for Dependants policy.

Unpaid leave can be considered after paid leave options have been exhausted.

Financial Assistance

If you are being denied access to your finances by an abusive partner, your manager can consider changes in your pay arrangements. This could be particularly important if you are planning on leaving your partner.

Options available include:

- Preventing a salary from going to the nominated bank account up to 48 hours prior to payday. Pay can be held until a new account is nominated;
- Arranging for the employee to be paid by cheque until a new account has been nominated.

Providing access to counselling

The Council can also provide confidential counselling and support to you via the Occupational Health Unit. Please refer to **Appendix A**.

LEAVING HOME CHECKLIST

IN AN EMERGENCY JUST LEAVE. ALWAYS PUT YOUR OWN SAFETY FIRST – YOU CAN ALWAYS GET POSSESSIONS AND DOCUMENTS AT ANOTHER TIME

If possible

- Find somewhere you can quickly and easily use a telephone – at work, a neighbour, a relative.
- Carry with you a list of telephone numbers of friends, relatives and emergency numbers.
- Try to save some money for bus or taxi fares, if needed.
- Keep an extra set of keys for your home or car with someone you trust in case you need to leave immediately.
- Keep the items you will need and some clothes ready to pack into a small bag. Keep these where you can quickly retrieve and pack them.

Below is a list of the items that would be useful to take with you when you leave, if applicable

- National Insurance Number
- NHS Number
- Passport
- Driving Licence
- Cheque Book
- Credit Cards
- Building Society Book
- Income Support Book
- Child Benefit Book
- Birth Certificates (your own and any children if applicable)
- Insurance Papers
- Marriage Certificate
- Divorce Papers
- Address Book
- Diary
- Keys
- Medication
- Rent Book
- Details of Telephone, Gas, Electricity Accounts, etc
- Car Documents
- Change of clothes
- Toys
- Jewellery
- Photographs/sentimental items
- Mobile Phone

Guidance Note 2: For perpetrators of domestic abuse and/or sexual violence

Domestic abuse and sexual violence perpetrated by employees of Carmarthenshire County Council will not be condoned under any circumstances.

You should be made aware that domestic abuse and sexual violence is a serious matter which could lead to a criminal conviction. The Council requires perpetrators of domestic abuse and sexual violence to declare any related prosecutions.

Proven harassment and intimidation of another employee by you as the individual's partner or ex-partner, also working for the Council will be viewed seriously, and may lead to disciplinary action being taken.

Conduct outside work (whether or not it leads to a criminal conviction) may lead to disciplinary action against you if you are a perpetrator of domestic abuse and/or sexual violence. There will be an investigation into the facts as far as possible, a view taken and consideration given as to whether your conduct is sufficiently serious to warrant disciplinary action. Reference should be made to the Council's Disciplinary Policy and Code of Conduct.

Factors to consider include:

- the nature of the conduct
- the nature and type of work you do
- the extent to which it involves contact with other employees, service users, children and vulnerable adults
- your status as an employee

In addition, such conduct may make certain job duties inappropriate and justify dismissal or redeployment. It will not be appropriate for you, as a perpetrator of domestic abuse and/or sexual violence to be providing services to children or vulnerable adults. Disciplinary action could result in you being dismissed or justify a change in duties or redeployment in line with the Council's Redeployment Policy.

Sources of support

If you are concerned about your abusive behaviour you can disclose your concerns in confidence either to your line manager, the Council's occupational health unit or to local or national specialist support agencies listed in **Appendix A**.

There is help and support available to you and the Council will support you in accessing these services if you want to.

In cases where both the victim and perpetrator are employees of Carmarthenshire County Council, appropriate action will be taken. The safety of the victim will always be prioritised and action should be taken to minimise risks. Disciplinary action may be considered against you, as the individual perpetrating abuse. Action may also be taken to minimise the potential for you, as the perpetrator to use your position or the

Council's resources to further abuse or to locate the victim. Any decisions about maintaining safety should be taken in partnership with the victim/survivor.

Couple counselling or mediation is never a recommended course of action where domestic abuse and/or sexual violence is present.

Confidentiality

If you disclose that you are a perpetrator of domestic abuse and/or sexual violence you can expect that where possible any information you provide is confidential and will not be shared with other members of staff without your permission.

In circumstances where there are concerns about children or vulnerable adults, confidentiality cannot be assured. However, as far as possible, information will only be shared on a need-to-know basis.

Breaches of confidentiality by any member of staff will be taken seriously.

Providing access to counselling

The Council can also provide confidential counselling and support to you via the Occupational Health Unit. Please refer to **Appendix A**.

Guidance Note 3: For managers of victims, survivors and perpetrators of domestic abuse and sexual violence

Domestic abuse and sexual violence is often perceived as a private matter, rather than a workplace issue and you may be reluctant to raise the issue with an employee for a range of reasons including not knowing how to respond.

However surveys show that victims of domestic abuse and sexual violence overwhelmingly welcome workplace support and that this can make a real difference to their lives.

Refuge and Respect, two leading domestic abuse charities, recommend that all managers are able to:

- **Recognise** the problem (look for signs and ask)
- **Respond** appropriately
- **Refer** on to appropriate help
- **Record** the details

RECOGNISE

Employees who experience domestic abuse and/or sexual violence may not tell people at work about their situation. It is more likely that you will become aware of the situation through associated issues such as absences or poor performance.

The following are signs that an employee could be experiencing domestic abuse and/or sexual violence. They may also be indicative of other concerns.

Work productivity signs

Persistently late without explanation or with unusual explanation, or needing to leave work early;

High absenteeism without explanation or with unusual explanation;

Changes in quality of work performance for unexplained reasons;

Increased time being spent at work for no apparent reason i.e. arriving early and leaving late;

Upset at work due to receipt of upsetting emails, texts, phone calls, mail, social media messages or any other form of communication.

Psychological signs

May cry or be anxious at work;

Uncharacteristic depression, anxiety, distraction, problems with concentrating;

Changes in behaviour; may become quiet and withdrawn and avoid interacting with colleagues;

Fear of partner/references to anger;

Expresses fear at leaving children home alone with partner.

Physical signs

Repeated injuries such as bruises; explanations for injuries that seem implausible or regular;
 Frequent and/or sudden/unexpected medical problems/sickness absence;
 Fatigue;
 Change in the way an employee dresses i.e. excessive clothing in summer;
 Unkempt or dishevelled appearance;
 Change in the pattern or amount of makeup worn.

Other Signs

Receives constant phone calls from partner/ex-partner;
 Partner meets employee outside work regularly;
 Employee appears anxious about leaving the premises;
 Employee appears anxious about leaving work on time;
 Employee appears reluctant to leave work alone.

What action should you take when an employee discloses experiencing domestic abuse and/or sexual violence?

If an employee discloses to you that s/he is experiencing domestic abuse and/or sexual violence it is very important s/he is believed – do not ask for proof. Avoid passing judgement on the perpetrator's behaviour or the victim's response. It is important to understand that leaving an abusive relationship or dealing with the consequences of sexual violence is a very difficult thing to do.

You need to ensure a sensitive and non-judgemental approach when supporting employees experiencing domestic abuse and/or sexual violence. The guidance at **Appendix B** provides examples of indirect and direct questions that you can use to explore the issues further with an individual.

Where possible, you should always support a victim on his or her own terms.

However, if a member of staff does not wish you to contact other agencies, his/her wishes must be paramount.

Managing Performance/Attendance

You should be aware of the possibility of domestic abuse and sexual violence when implementing the Sickness Absence Policy and procedures. If you suspect domestic abuse and/or sexual violence could be the cause of absence then try and create a supportive environment in which the employee is able to disclose the abuse if they wish to do so. You should consider whether it is appropriate to issue sickness absence warnings where the known cause is domestic abuse and/or sexual violence and seek advice from a HR Advisor.

Similarly, in reviewing performance through the Helping People to Perform (HPP) appraisal process and before applying the Capability Policy and procedures you should consider the possibility of domestic abuse and/or sexual violence being a factor in under performance.

The focus should be on supporting rather than penalising or putting additional pressure on employees affected.

Pregnancy/maternity

Pregnancy can be a trigger for domestic abuse and sexual violence but in relationships where this already exists, the domestic abuse and violence can get worse. Where you suspect or are aware of domestic abuse and/or sexual violence, this should be taken into account as part of the pregnancy risk assessment and appropriate safeguards considered, utilising the New and Expectant Mothers risk assessment. This is located on the Health & Safety pages of documents library on BRIAN.

You should also explore 'Keeping in Touch' days during maternity leave and agree a safe mechanism for maintaining workplace communication during maternity leave. Information on KIT days and the Maternity Pack can be found in the HR pages of the document library on BRIAN.

Creating a supportive environment

There are a number of things you can do to create a safe environment for an employee to disclose domestic violence and sexual abuse and feel that they will be supported if they do. Employees will feel more able to disclose if they know you understand and are empathetic in your approach to issues of domestic abuse and sexual violence.

Discussing this policy at team meetings, displaying posters and leaflets in your work area can help to demonstrate this.

Ask the question

As a manager you may suspect that there is a problem but are afraid to ask. However, research shows that victims of domestic abuse and sexual violence wished someone had asked them about it. If you suspect an employee may be being abused, raise the issue with them in a private location.

Further guidance on how to ask an employee about domestic violence and sexual abuse can be found in **Appendix B**.

RESPOND

If you are aware that someone is in immediate danger, you should call the appropriate emergency service on 999.

Otherwise remember it is not your responsibility as the manager to stop the abuse or help an employee escape from an abusive relationship. The most effective way you can support an employee is to signpost to the appropriate agencies in Carmarthenshire who have the expertise to assist and provide on-going specialist support. Please refer to **Appendix A**.

Health & Safety

Under the Health and Safety at Work Act (1974) and the Council's Health and Safety Policy you have a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of employees at work. The Management of Health and Safety at Work Regulations (1999) requires employers to assess the risk of violence to employees and make arrangements for their health and safety.

Once you are made aware of domestic abuse and/or sexual violence you should encourage the employee to contact a specialist domestic abuse agency who will be able to carry out a specific domestic abuse risk assessment as well as providing practical and emotional support.

You must also discuss with the employee his/her safety at work and ensure that the potential risk to the employee and work colleagues is minimised.

If an incident occurs at work, make sure it is recorded and follow it up under the Council's Violence and Aggression Policy.

Although this guidance will apply to most situations of violence in the workplace, managers may have to consider additional factors if these incidents involve domestic abuse and/or sexual violence. These incidents may involve violent partners or ex-partners visiting the workplace, abusive phone calls, intimidation or harassment of staff by the alleged perpetrator.

These issues can be addressed utilising the following measures as appropriate:

- improving security measures such as changing key pad numbers or ensuring that access to buildings is open to authorised staff only
- reminding reception/switchboard staff not to divulge information about staff, especially personal details such as addresses, telephone numbers or shift patterns
- changing the employee's work telephone number and removing their name and number from the telephone directory so employees cannot inadvertently give out the employee's phone number
- establish an emergency contact person with the employee in case you cannot contact the him/her
- review the employee's next of kin information with the employee to ensure s/he has an opportunity to nominate an alternative next of kin if the perpetrator is listed
- setting up a firewall to block or divert emails from the perpetrator to a separate folder. Ensure emails are retained, to be used as evidence if needed.
- offering temporary or permanent changes in the workplace, work times and patterns in line with the Council's Flexible Working Policy, helping to make the employee less at risk at work, and on their journeys to and from

- work. This could include changes to the office layout, to ensure that the employee is not visible from reception point or, from ground floor windows
- offering changes in specific duties, such as answering phones or working in reception or in exceptional circumstances, temporary or permanent redeployment to another post in line with the Council's Redeployment Policy
 - agreeing with the individual what to tell staff, and how they should respond if the abuser rings or calls at the workplace. Providing colleagues with a photograph of the abuser, and other relevant details such as car registration numbers, which may help to maintain security in the workplace
 - making sure that the systems for recording staff whereabouts during the day are adequate. If the work requires visits outside the office, considering how risks can be minimised, e.g. changing duties or allowing another colleague to accompany them on certain journeys
 - recording any incidents of violence in the workplace by the perpetrator, including persistent phone calls, emails or visits to a member of staff by their partner/ex-partner. Details of any witnesses should also be recorded. These records could be used if staff wish to press charges or apply for an injunction against the alleged perpetrator. The Council could also apply for an injunction if the actions of the alleged perpetrator impinges on the health and safety of other members of staff
 - managers may have to take account of whether the measures detailed above are operationally feasible, bearing in mind that ensuring staff are safe should be of primary consideration throughout the process.

Staff experiencing domestic abuse and/or sexual violence may be more vulnerable to stress at work and reference should be made to the Council's Stress Management Policy

Confidentiality

Once a member of staff has confided in you as his/her manager that s/he is experiencing domestic abuse and/or sexual violence, you should reassure him/her that this information will remain confidential unless s/he has given specific consent for you to discuss with another person. The consequences of breaching confidentiality could have serious effects for the person experiencing domestic abuse and/or sexual violence. Statistics have shown that the risk of more serious assaults, permanent injury, and even murder, takes place when a woman decides to leave home, or immediately after. It is important therefore, not to under estimate the danger or assume that the fear of violence is exaggerated.

With the express consent of the individual concerned, i.e. agreement on what information you can share with colleagues, you must ensure these individuals are fully aware of any risks. In these circumstances, employees' privy to such information should be reminded that this information is confidential, and any unauthorised breaches could be subject to the Council's Disciplinary Procedures.

Information about domestic abuse and sexual violence should only be shared with other practitioners where this is necessary and where the employee has given permission.

The only exceptions to this are:

- where child or vulnerable adult protection issues are raised, for instance, if an employee gives information that suggests that their child or another child or vulnerable adult is at risk from 'significant harm' (whether physical, emotional, sexual or neglect). In these circumstances, you should inform the employee you need to seek further advice from the appropriate agency, e.g. Social Services Child Protection and/or Safeguarding Adults teams and may have to pass on relevant information.
- where others, e.g. service users, customers or colleagues, could be put at risk the employee needs to be informed that information could be shared with others.

Appropriate steps should be taken to ensure files containing information about those experiencing domestic abuse and/or sexual violence do not contain details of current addresses. Addresses may need to be held separately to ensure the abuser has no way of accessing them.

You should be aware that there may be employees who are perpetrators of domestic abuse and sexual violence and that confidentiality is of paramount importance as both victim and perpetrator may be employees of the Council.

Colleagues

Advise colleagues on a 'need to know' basis and with the employee's consent and agree a response if the perpetrator contacts the workplace.

With the employee's consent share the perpetrator's photo and details of the perpetrator's car with colleagues and reception staff so that they can recognise the perpetrator.

Remind all staff never to divulge personal information about employees to callers (e.g. shift patterns, addresses, telephone numbers etc). Never tell the caller where the employee is and what time they'll be back or tell the caller that the employee is on leave.

Time Off

Explore leave options with the employee, and view sympathetically requests for paid or unpaid time off work for staff who have disclosed they are experiencing domestic abuse and/or sexual violence in line with the Council's Compassionate & Other Leave or Time Off for Dependant's Policies.

These requests could include time off for:

- appointments with support agencies such as Women's Aid, Social Workers or Counsellors

- arranging re-housing
- meetings with Solicitors
- making alternative childcare arrangements, including meetings with schools
- court proceedings involving incidents of domestic violence.

Unpaid leave should be considered after paid leave options have been exhausted.

You should record leave applications for time off related to domestic abuse and sexual violence as 'special leave' on the application form and forward to the HR Team who will store the record in line with appropriate security permissions on the individual's electronic HR file and marked 'manager's access only'.

Financial Assistance

If an employee is being denied access to their finances by an abusive partner, you should consider changes in the employee's pay arrangements. This could be particularly important if the employee is planning on leaving the abusive partner.

Options available include:

- Preventing a salary from going to the nominated bank account up to 48 hours prior to payday. Pay can be held until a new account is nominated;
- Arranging for the employee to be paid by cheque until a new account has been nominated.

Any changes to salary payments should be arranged confidentially with payroll and you should ensure that payment can be made on the appropriate date before confirming this with the employee.

Trades Unions may be able to offer loans to their members; it is worth discussing this with the employee and their union representative.

REFER

Provide information

You should provide information on sources of support and specialist services available to employees affected by domestic abuse and/or sexual violence. A full list is available at **Appendix A**.

Providing access to counselling

The Council can also provide confidential counselling and support to staff experiencing domestic abuse and/or sexual violence and you can make a referral to the Occupational Health Unit and also sign post to external specialist agencies. Please refer to **Appendix A**.

RECORD

It is important to record concerns or disclosures of domestic abuse and/or sexual violence accurately and confidentially. Please refer to **Appendix C**.

Dealing with suspected perpetrators of domestic abuse and sexual violence

As a manager you are not expected to attempt to identify perpetrators of domestic abuse and sexual violence. However, if you have concerns about an employee's behaviour, the following guidance may help.

Although they do not always imply that an individual is a perpetrator, the following signs may be an indicator:

- Uncharacteristic lateness or absence with no explanation;
- Repeated injuries/scratches/bite marks/bruised knuckles/injuries to wrists/forearms;
- Constant text messaging or telephoning a partner;
- Jealousy or possessiveness;
- Negative comments about the employee's partner or women in general

If an individual presents a problem such as drinking, stress or depression, this could also signify that they are perpetrating domestic abuse and/or sexual violence.

If an employee reveals that s/he is a perpetrator of domestic abuse and/or sexual violence, remember to **Record** and **Refer**.

If you are made aware of concerns that an employee may be perpetrating domestic abuse and/or sexual violence by another employee, it is important that you do not take any actions that may lead to repercussions for the victim or yourself.

If in doubt seek advice for the HR Team.

Guidance Note 4: For colleagues of victims, survivors and perpetrators of domestic abuse and sexual violence

The stress of living in an abusive relationship is likely to impact on an individual's capacity to perform to the best of their ability at work, and it is unlikely that they would be free from the abusive behaviour while at work.

As a colleague you are in a good position to be able to identify changes in behaviour, dress, or appearance that may indicate domestic abuse and/or sexual violence.

The role of colleagues

You are encouraged to respond appropriately if you suspect that a colleague is experiencing or perpetrating abuse. Individuals may not want to discuss the abuse, but your concerns should be raised in confidence with your manager. Some victims of domestic abuse and sexual violence will feel unable to accept help, which can be frustrating. Offer support where possible, but do not force an individual to disclose abuse, or to follow a course of action they are uncomfortable with.

Appendix A lists sources of support available in Carmarthenshire and where possible you should discuss seeking support with your colleague.

If you do feel able to raise the issue with your colleague, **Appendix B** offers examples of how to ask the question.

It is not your responsibility to stop the abuse, but you can play an important role by highlighting your concerns.

Confidentiality

Any concerns about a colleague in work should be raised in confidence with your manager and where possible, with the permission of the individual.

Never divulge personal information about work colleagues to others, including other employees, without their permission. Remember that a perpetrator may contact a victim's workplace in order to gain information about them, or to learn about their whereabouts.

Support

Witnessing a work colleague experiencing domestic abuse and/or sexual violence can be traumatic and you may feel powerless or unable to help. Remember that you can seek support in confidence from your line manager, the Council's occupational health unit or from the local or national helplines listed in **Appendix A** (you do not have to be a victim yourself to contact them).

You may also feel burdened by additional work that a colleague experiencing abuse is unable to complete. Remember that you can raise this issue with your line manager.

APPENDIX A**SUPPORT AGENCIES
IN AN EMERGENCY DON'T DELAY DIAL 999****Carmarthenshire County Council Services****Occupational Health & Wellbeing Team**

Tel: 01267 246060/246061

E-mail: CEOccupationalHealth@carmarthenshire.gov.uk

A confidential service providing access to Occupational Health Advisors, Nurses, Practitioners and Stress Management Practitioners

Housing and council tax benefits adviceIf you need further information or advice please go to www.carmarthenshire.gov.uk and click on 'Advice and Benefits'E-mail: housing.benefits@carmarthenshire.gov.uk

Freephone: 0800 288 9002

Housing advice

If you are a home owner, a private tenant or a Council or Housing Association tenant, if you need information on:

Housing advice, Housing options and Home improvement:

www.carmarthenshire.gov.uk/english/housing/pages/home.aspx

Tel: 01554 742194

Tel (out of hours): 01267 234567

Email: Housing@carmarthenshire.gov.uk

Text us on: 07766 406506

Minicom service: 01267 223867

External Services**Police – Domestic Abuse Officers, Public Protection Unit**www.dyfed-powys.police.uk

Tel: 101

Domestic abuse officers can offer help and advice to victims who need police assistance of a non urgent nature.

Welsh Women's Aidwww.welshwomensaid.org

Carmarthen Domestic Abuse Services – 01267 234725

Llanelli Women's Aid – 01554 752422

Amman Valley Women's Aid - 01269 597474

All the above provide refuge accommodation, floating support, outreach support, services for children and some programmes for services users.

The Bobby Van

Can also access Bobby Van via Welsh Women's Aid

www.dyfed-powys.police.uk/en/whatwedo/bobbyvan

Tel: 01269 598120

The Bobby Van is a lottery funded initiative managed by Dyfed Powys police which enables victims to stay in their own homes by securing their properties.

This service can also be accessed via Carmarthen Domestic Abuse Services and local Women's Aid groups (see contact details above)

Wales Domestic Abuse & Sexual Violence Helpline

www.allwaleshelpline.org.uk

Tel: 0808 80 10 800

The Wales domestic abuse helpline offers free confidential information and support to women and men experiencing domestic abuse. It is also an information service for people who are concerned about someone they know, and for agencies that need information on the support available in Wales for adults and children.

Hafan Cymru

www.hafancymru.co.uk

Tel: 01267 225 555

Offer a variety of accommodation and support services across Wales for vulnerable women, men and children.

Carmarthenshire Domestic Abuse Forum Limited

Natalie.hardess@cdaf.org.uk

www.1stop.carms.org.uk

Tel: 01267 226957

Find us on Facebook or follow us on Twitter: Carmarthenshire Domestic Abuse Ltd
The forum offers advice and assistance, specialist alarms, bobby van, training for agencies and male and female victims on domestic abuse.

Victim Support

www.victimsupport.org.uk

Tel: 0845 30 30 900 (National Helpline)

Tel: 01267 222273 (Carmarthen Victim Support)

A national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across England and Wales. This is not a government agency or part of the police and individual's don't have to report a crime to the police to get help and can call any time after the crime has happened, whether it was yesterday, last week or several years ago.

Black Association of Women Step Out (BAWSO)

www.bawso.org.uk

Tel: 0800 731 8147

BAWSO are a specialist agency, which can provide culturally sensitive and appropriate information and services to black and other minority ethnic women and children. It can provide access to refuge, advice, information and translation services via a 24 hour helpline.

Karma Nirvana

www.karmanirvana.org.uk

Tel: 0800 5999 247

Karma Nirvana is an honour network and forced marriage helpline.

Kiran

Tel: 020 8558 1986

Outside office hours – 0845 702 3468

Asian women's aid, offers advice, support and refuge for Asian women and women from other cultures.

Wales CABs

www.citizensadvice.org.uk

Tel: 08444 77 20 20

Text Relay: 08444 111 445

The Citizens Advice Bureau Service offers free, confidential, impartial and independent advice on a range of issues including debt, benefits, housing and legal matters. Advisers can help fill out forms, write letters, negotiate with creditors and represent individuals at court.

Refuge

www.refuge.org.uk

Tel: 0808 2000 247

Refuge's network of safe houses provides emergency accommodation for women and children when they are most in need.

Respect

www.respect.uk.net

Tel: 08451228609

Respect is the UK association for professionals working with domestic violence perpetrators and associated support services. This Helpline is for male perpetrators of domestic violence. Respect also provides access to perpetrators programmes.

Broken Rainbow

www.broken-rainbow.org.uk

Tel: 08452 60 44 60

Broken Rainbow provides support for lesbian, gay, bisexual and transgender people experiencing domestic abuse.

Dyn Project

www.dynwales.org

Tel: 0808 81 0321

The Dyn Project works across Wales to support men experiencing domestic abuse.

NSPCC

www.nspcc.org.uk

Tel: 0808 800 5000

24hr helpline offering counselling, information and advice to anyone that is concerned about a child. All counsellors are trained child protection officers.

SARC

www.newpathways.co.uk

Tel: 01267 235 464

Sexual assault referral centre

Safer Wales

www.saferwales.com

Tel: 029 2022 2022

ASKING DIFFICULT QUESTIONS

This is an extract from the Equality & Human Rights publication 'Domestic abuse is your business – a guide to developing a workplace policy'

The EHRC guide has been written for managers but colleagues can adapt the questions as appropriate.

Indirect questions

If a manager suspects that an employee is experiencing domestic abuse, they should ask the employee indirect questions, to help establish a relationship with the employee and develop empathy.

The examples given below are not a definitive list of questions for managers to ask in all circumstances. Managers need to use their judgement and be sensitive to the particular circumstances before opening a conversation with the employee:

- Are there any concerns you would like to discuss with me?
- I have noticed recently that you are not yourself, is anything the matter?
- Is everything all right at work?
- Are there any problems or reason that may be contributing to your frequent sickness absence/under-performance at work?
- Is everything all right at home?
- Are you being looked after properly?
- Is your partner taking care of you?
- Are you getting on alright with your partner at the moment?

Direct questions:

The manager should ask direct questions to prompt the employee to discuss any possible experiences of domestic abuse, if they are displaying signs of physical assault or injury.

The following question must be asked with great sensitivity and care.

- "I am sorry to ask you this and I don't wish to cause you any offence, but I notice that you have a number of bruises/cuts/burns etc. **I know that in the UK 1 in 4 women**, experience domestic abuse in the home, can you tell me how you got your injuries"?

The following are some examples of follow up direct questions, which it might be useful to ask the employee, once it has been established that there maybe or is a problem related to domestic abuse:

- Have you ever been slapped/kicked/punched etc, by your partner?
- Do you feel frightened of your partner or someone else at home?
- Are you currently in a relationship where you are experiencing abuse?

- Does your partner lose their temper with you? If so what happens to you as a result?
- Has your partner threatened to hurt you or your children?
- Does your partner get jealous of you seeing friends, talking to other people, going out? If so what happens?
- Does your partner blame alcohol or drugs for the behaviour towards you?

APPENDIX C**Documenting Domestic Abuse and Sexual Violence**

This offers general guidance to recording a disclosure of domestic abuse and/or sexual violence.

1. You should record all disclosures of domestic abuse and/or sexual violence, for your own safety and the victim's, and tell the victim that you will do this, including explaining who will have access to the record, where appropriate. You do not need the victim's consent.
2. Record the date, time and setting in which the abuse happened.
3. Record non-judgementally, using the words that the victim used (e.g. "John hit me with a hammer" not "employee has experienced physical violence.") Use words like "stated" and "said," not "alleged" or "claimed."
4. Record your observations: how the victim appears, physical, emotional and behavioural signs that they are experiencing domestic abuse and/or sexual violence.
5. Make it clear if you are recording interpretation or conclusions that you have drawn, which are not what the victim has stated (e.g. "I think that Jane is being denied access to food because she has lost a lot of weight recently and cannot give a reason for it").
6. If the victim minimises or tries to excuse the abuse, make it clear in any record that this is minimising or excusing, and that this is not a reason for abuse to happen.
7. Always keep notes confidential and under no circumstances allow perpetrators to see these. This may include having a separate file for the victim e.g. if they live together and have a shared housing record.
8. Never write anything about disclosure on something that the victim will take home. If you work to rules that give clients rights to copies of their own records, make sure disclosure notes are in the "exempt" part of the notes, which will not be copied.
9. If there are previous notes for the victim, review these to see if there have been previous disclosures or evidence of abuse, and if so, what happened as a result.
10. Discuss all disclosures with supervising manager e.g. line manager or child protection supervisor, according to local protocols for information sharing.
11. Sign and date any record.

Adapted from guidance by South Ayrshire Council and Mid-Cheshire NHS Trust