

APPENDIX 1



Hinckley & Bosworth
Borough Council

Domestic Abuse Workplace Policy and Procedure

Hinckley and Bosworth Borough
Council

December 2022
Review date: December 2025

1.0 Introduction - Domestic Abuse and the Workplace

It is important to promote the understanding that everyone has the right to a life free from abuse in any form. Domestic abuse is wholly unacceptable and inexcusable behaviour, and responsibility for domestic abuse lies with the perpetrator. Hinckley and Bosworth Borough Council strives to create a working environment that promotes the view that abuse against people is unacceptable.

2.0 Definition

Domestic abuse is any incident of threatening behaviour, violence, or abuse (psychological, physical, sexual, economic, or emotional) between adults who are, or have been, intimate partners or family members, regardless of gender or sexuality.

For the purposes of this policy, the definition of “domestic abuse” is as defined in the Domestic Abuse Act 2021. The full definition is provided at Appendix A or can be viewed at [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

3.0 Employers' and Employees' Duties

3.1 Employers' Duties

- Employers have a duty of care for the health, safety and wellbeing of their staff and are in a strong position to create a safe and supportive workplace environment.
- Domestic abuse is everyone's business. As an employer, Hinckley and Bosworth Borough Council has a responsibility to promote awareness around domestic abuse through campaigns, training and to support the early identification of domestic abuse to prevent escalation and save lives.
- Employers also risk directly/indirectly discriminating against individuals if they do not put adequate support measures and adjustments in place.

3.2 Employees' Duties

- Employees with whom information is shared in relation to domestic abuse must keep this information strictly confidential except for safeguarding concerns.
- Employees must treat their fellow colleagues with dignity and respect, and not make assumptions about what other employees are experiencing.

4.0 Policy

a) Providing information / creating awareness

The council intends to publish, maintain, and post in locations of high visibility, a list of resources for victims/survivors and perpetrators of domestic abuse. The council will make available relevant information, resources and campaigns produced by Leicestershire County Council in different languages.

b) Providing support to victims/survivors

The council intends to make support available to employees involved in or impacted by domestic abuse. The council will provide support through our Managers, HR, and Employee Assistance Programme and other areas of the council as appropriate. Managers will be encouraged to signpost to specialist services with consent of the victim/survivor for specialist domestic abuse support. There will also be council Domestic Abuse Champions in place with an enhanced level of training available to support staff. Where safeguarding referrals are required, the council will follow their safeguarding policies which can be found on the intranet at [Safeguarding Policies and procedures](#)

c) Providing support to perpetrators

It is recognised that perpetrators of domestic abuse may wish to seek help voluntarily. The council intends to provide signposting to support.

d) Providing training to managers

The council will develop a programme of training for staff to raise awareness of domestic abuse and understanding of this policy and guidance.

Managers will be trained to:

- Better identify if an employee is experiencing domestic abuse.
- Provide support and signposting
- Discuss ways to help the person stay safe in the workplace
- Understand that they are not counsellors. Counselling is to be left to trained professionals and no one should attempt to act in place of a domestic abuse expert or counsellor. The best thing a manager can do is to refer the person to the appropriate domestic abuse resources.

e) Perpetrators: Domestic abuse perpetrated by staff will not be condoned nor will it be treated as a purely private matter. Staff should be aware that domestic abuse is a serious matter which can lead to criminal convictions. Misconduct outside of work may lead to disciplinary action being taken against a member of staff, as such conduct may undermine the confidence and trust the organisation has in them. However, the council recognises that it has a role in encouraging and supporting perpetrators to address violent and abusive behaviour of all kinds.

f) Scope of policy: Applies to all council staff

5.0 Procedure

5.1 A Guide for Employees

a) Anti-Discrimination

The council will not discriminate against anyone who has been subjected to domestic abuse, in terms of their existing employment or career development.

The council is aware that domestic abuse victims may, because of their experience, encounter challenges in the work environment such as chronic absenteeism or lower productivity. When addressing performance and safety issues, the council will make reasonable efforts to consider all aspects of the employee's situation and / or safety problems.

b) Absence options for employees experiencing domestic abuse

The council will make every effort to assist an employee experiencing domestic abuse. If an employee needs to be absent from work due to domestic abuse, the length of the absence will be determined by the individual's situation through collaboration with the employee and their manager and a Human Resources representative. This will be linked with the Council's Attendance Management Framework and/ or the Absence Management Policy – non sickness related.

c) Safety at work

The council undertakes to ensure the safety of its employees. The council will actively provide support to employees to try and minimise the risk to their safety while at work, if they make it known to us that they are experiencing domestic abuse.

d) Providing support for employees

The council intends to make support available to employees affected by domestic abuse. The council will provide support through our managers, HR and Employee Assistance Programme and other areas as appropriate. Employees can also refer to the council's Safeguarding Policies and procedures

For the role of managers supporting employees disclosing domestic abuse, please refer to paragraph 5.2.b below

5.2 A Guide for Managers

a) Anti-Discrimination

The council is aware that domestic abuse victims may, because of their abuse, encounter challenges in the work environment such as chronic absenteeism or lower

productivity. When addressing performance and safety issues, the council will make reasonable efforts to consider all aspects of the employee's situation and / or safety problems.

b) Providing support for employees

Managers, and HR role is to:

- Be available and approachable for those employees experiencing domestic abuse
- Listen, reassure and support all individuals experiencing abuse, no matter their background and work with those who are having difficulty accessing support.
- Keep information confidential (subject to the requirements of child and adult protection-see council safeguarding policies)
- Respond in a sensitive and non-judgemental manner
- Discuss the specific steps that can be taken to help the employee stay safe in the workplace
- Ensure the employee is aware of the options available to them
- Encourage the employee to seek the advice of other relevant agencies

c) Training managers to identify and respond appropriately

Managers will be trained to:

- Identify if an employee is experiencing domestic abuse
- Provide initial support
- Offer referrals, such as MARAC (Multi Agency Risk Assessment Conference), safeguarding, referrals to the Jenkins centre or the dedicated domestic abuse Services and other agencies listed within Appendix B
- Discuss ways to help the person stay safe in the workplace
- Understand that they are not counsellors. Counselling is to be left to trained professionals and no one should attempt to act in place of a domestic abuse expert or counsellor.

Appendix B gives options for signposting survivors/victims and perpetrators and advice for professionals.

5.3 Perpetrators

If a member of staff discloses perpetrating domestic abuse, the police should be informed as should HR so that the disciplinary policy or other internal procedures can be considered. However, the member of staff will be provided with information about the services and support available to them (see Appendix B for support guidance for victims/survivors and perpetrators). This procedure can be applicable in cases where a member of staff has:

- Behaved in a way that has harmed or threatened their partner
- Possibly committed a criminal offence against their partner
- Had an allegation of domestic abuse made against them
- Presented concerns about their behaviour within an intimate relationship

The council will ensure:

- Allegations will be dealt with fairly and in way that provides support for the person who is the subject of the allegation or disclosure
- All staff will receive guidance and support
- Investigations will be sufficiently independent
- The accused member of staff will be:
 - Treated fairly and honestly
 - Helped to understand the concerns expressed and processes involved
 - Kept informed of the progress and outcome of any investigation and the implications for any disciplinary process

5.4 Victims and perpetrators working for the council

In cases where both the victim/survivor and perpetrator of domestic abuse work for the council; appropriate action will be taken to reduce the risk of harm to the victim/survivor. In addition to following the council's disciplinary procedures for the perpetrator, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace. Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties or withdrawing the perpetrators access to certain computer programs. For employees who are also tenants of the council, relevant action with regards to their housing tenancy will be taken in line with our housing tenancy policy. Further advice can be sought from HR and our disciplinary and grievance policy can be found at [Disciplinary and Grievance Policy](#)

Appendix A – DEFINITION OF DOMESTIC ABUSE (DA ACT 2021):

(1) This section defines “domestic abuse” for the purposes of this Act.

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) the behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse (see subsection (4));
- (e) psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—

- (a) acquire, use or maintain money or other property, or
- (b) obtain goods or services.

(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

(6) References in this Act to being abusive towards another person are to be read in accordance with this section.

(7) For the meaning of “personally connected”, see section 2.

2 Definition of “personally connected”

(1) For the purposes of this Act, two people are “personally connected” to each other if any of the following applies—

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);

(e)they are, or have been, in an intimate personal relationship with each other;

(f)they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));

(g)they are relatives.

(2)For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if—

(a)the person is a parent of the child, or

(b)the person has parental responsibility for the child.

(3)In this section—

- “child” means a person under the age of 18 years;
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
- “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);
- “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

3Children as victims of domestic abuse

(1)This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.

(2)Any reference in this Act to a victim of domestic abuse includes a reference to a child who—

(a)sees or hears, or experiences the effects of, the abuse, and

(b)is related to A or B.

(3)A child is related to a person for the purposes of subsection (2) if—

(a)the person is a parent of, or has parental responsibility for, the child, or

(b)the child and the person are relatives.

(4)In this section—

- “child” means a person under the age of 18 years;
- “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);
- “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

Appendix B - Support agencies for survivors/victims and perpetrators

Victims:

It will be an individual's choice as to whether they would like to access the council's domestic abuse outreach service or another countywide/ national service. Below are some options of services that the victim or professionals could access for support:

- Freephone National Domestic Violence Helpline, run in partnership between *Women's Aid* and *Refuge* 0808 200 0247
- Hinckley and Bosworth Borough Council's domestic abuse outreach service. call 079660202181 - for women aged 16+ suffering from intimate partner abuse.
- FreeVa Helpline and Engagement Service, Freeva Sexual Violence Support Service, Living Without Abuse Locality Service and Leicestershire Safe Accommodation Support Service (provided by Women's Aid Leics Ltd) Male and female service aged 13+ for victims of domestic abuse and /or sexual violence. Victims can call 0808 802 0028 for support
- GALOP for those within the LGBTQ+ Communities experiencing Domestic Abuse 0800 999 5428
- The Traveller Movement for those within the GRT community experiencing Domestic Abuse 0754 1637 795
- Panagher for those within the BAME community experiencing Domestic Abuse 0800 055 6519
- ManKind for male victims of Domestic Abuse 01823 334244
- Men's Advice Line, helpline 0808 801 0327, calls to the helpline are free from landlines and mobile phones within the UK and do not appear on itemised bills. Email info@mensadviceline.org.uk, website www.mensadviceline.org.uk
- Employee Assistance Programme available 24 hours a day, 365 days per year. Free phone 0800 0280199, Website <http://www.healthassuredeap.com/>

Perpetrators:

For more information on what help is available for perpetrators contact **Respect** on 0846 122 8609. The Respect phone line provides information and advice to perpetrators of domestic violence, to professionals wanting information and to the friends and family (including partners) of perpetrators who want more information on what help is available for perpetrators.
www.respect.uk.net

Additionally, the Jenkins Centre works with people who are abusive and violent in their relationships to help them change their behaviour. The centre works with people living in Leicester, Leicestershire and Rutland and can be contacted on 0116 254 0101.