



# Solihull Metropolitan Borough Council

## Domestic Abuse Workplace Policy

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**SMBC can provide information in a range of different ways, for example via the use of audio tape, summarising large documents, interpretation, translation and British Sign Language interpreting services.**

**If you require this information in an alternative format or need assistance because English is not your first language, please contact your nominated Human Resources Advisor in the first instance for further support.**

**This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.**

### **For School's (e.g. some Academies) not participating in the Council's Consultation and Negotiation Framework**

**This Model Policy was provided by the Solihull School's HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.**

## **DOMESTIC ABUSE WORKFORCE POLICY**

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**Prepared by:** A Cooke – Public Health  
P Sharma – Human Resources

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| 1.0             | March 2020     | New policy  |
| 2.0             | 2 October 2023 | Updates to reflect broader context of domestic abuse, signs to look out for and appropriate support while working from home |
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# DOMESTIC ABUSE POLICY

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# DOMESTIC ABUSE POLICY

## 1. Introduction

Solihull Metropolitan Borough Council (SMBC) recognises that a member of staff may be affected by domestic abuse in many ways, for example: as a survivor of domestic abuse; an individual who is currently living with domestic abuse; someone who has been impacted by a serious act of domestic abuse, such as homicide; or as an individual who perpetrates domestic abuse.

We are committed to challenging negative attitudes which perpetuate the normalisation of abuse, and maintaining a workplace culture in which there is zero tolerance for abuse by recognising that the responsibility for domestic abuse lies with the perpetrator. SMBC is committed to ensuring that any member of staff who is the victim of domestic abuse feels confident enough, and has enough trust, to raise any issues or concerns with their line manager or a different member of staff with the assurance that they will subsequently receive appropriate support and assistance. This policy also covers the approach we will take where there are concerns that an employee may be the perpetrator of domestic abuse.

By giving appropriate advice and working to reduce the risks, we will be creating a safer workplace and sending out a strong and clear message that domestic abuse is unacceptable and will not be tolerated. Under health and safety legislation, SMBC recognises its duty of care and legal responsibilities to promote the health, safety and wellbeing of all members of staff.

The policy will assist the Council in monitoring and continually improving its performance in identifying and responding to cases of domestic abuse. However, it must also be recognised that many cases may be withdrawn by individuals and not pursued further. This personal choice must be respected in accordance with an individual's wishes.

This policy is part of SMBC's commitment to family friendly working, and seeks to: support the welfare of individual members of staff; retain skilled and experienced employees; improve morale and performance; and enhance the reputation of SMBC as an employer of choice. The terms of this policy apply to employees, agency workers, contractors, staff employed on zero hours contracts, volunteers and Elected Members.

SMBC acknowledges the equalities implications in relation to domestic abuse and is committed to ensuring that this will not affect employee's current role or any future employment with the Council.

Further access to [help and advice around domestic abuse](#), including assistance in relation to housing issues and guidance for all members of staff, such as line managers, employees and professionals, is available through the link to the Council's dedicated webpage for domestic abuse.

## **2. Definition and examples of domestic abuse**

The Domestic Abuse Act 2021 introduced a statutory definition, which confirms abusive behaviour is not limited to any particular group of people and can be recognised by any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse; or
- psychological, emotional or other abuse

Both parties must be aged 16 or over and 'personally connected'. 'Personally connected' is defined in the Act as parties who:

- are married to each other;
- are civil partners of each other;
- have agreed to marry one another (whether or not the agreement has been terminated);
- have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- are or have been in an intimate personal relationship with each other;
- have, or will have been involved in a time when they each have had, a parental relationship in relation to the same child; or
- are relatives.

An individual receiving care may also experience domestic abuse and this could be perpetrated by a person living with or administering care for them.

Physical abuse may include, for example, hitting, punching, kicking, slapping, hitting with objects, hair pulling, pushing or shoving, cutting or stabbing, restraining, strangulation, choking or murder.

Sexual abuse can include acts such as rape and coerced sex, forcing a person to participate in unwanted sexual activity or refusing to practise safe sex or use contraception.

Violent or threatening behaviour includes intentionally putting a person in fear of physical or mental harm, injury or material loss.

Coercive control is systematic pattern of behaviour designed to make a person subordinate and/or dependent by: isolating them from sources of support; exploiting

their resources and capacities for personal gain; depriving them of the means needed for independence, resistance and escape; and regulating their everyday behaviour. It can involve gaslighting – psychological abuse where a person or group makes someone question their sanity, perception of reality or memories.

Coercive behaviour can comprise an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten a victim, and can include so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage. Victims are not confined to one gender or ethnic group.

Economic abuse may denote any behaviour that has a substantial effect on an individual’s ability to acquire, use or maintain money or other property or obtain goods or services. It can also involve: making a victim beg for money; threatening to kick them out of the house; withholding information regarding welfare benefits; running up debts in their name; or withholding money for basic, everyday necessities.

Online or digital abuse can include: sharing information or images without a person’s consent or knowledge; monitoring of social media or online activity; or harassment or abuse through digital platforms.

Harassment is a crime involving behaviour occurring more than once and the perpetrator’s actions must result in harm or an unwanted effect on the victim. In cases of stalking, there is a pattern of unwanted, fixated and obsessive behaviour which becomes intrusive and causes a fear of violence or serious alarm or distress. Workplace stalking can often involve a victim being followed to and from their place of work and their perpetrator loitering around workplace entrances.

Domestic abuse can go beyond actual physical violence. It can also involve, for example, psychological, emotional and verbal abuse, the destruction of a spouse’s or partner’s property, their isolation from friends, family or other potential sources of support, controlling access to money, personal items, food, transportation, the telephone or internet, threats, intimidation or humiliation to undermine the person’s confidence and stalking. Furthermore, it can also include abuse inflicted on, witnessed by or threatened against children.

- Domestic abuse occurs in all social classes, cultures, and age groups irrespective of a person’s sexual orientation, mental or physical ability.
- Once it has started it often becomes more frequent and more severe.
- It can severely affect children and other members of the household emotionally and physically.
- Victims are sometimes beaten or harassed by members of their immediate or extended family, such as in-laws or step-family.
- Although the majority of perpetrators are men and between 80-95% of those who experience domestic abuse are women, this does also occur against

men in heterosexual relationships, women and men in same sex relationships and against bisexual and transgender people.

- Domestic abuse is not a 'one off' occurrence and is recognised as a frequent and persistent pattern of behaviour aimed at instilling fear into, and compliance from, the victim. Victims are, on average, assaulted 35 times before they report the matter to the police.

The Sentencing Council amended its definitive guidance to recognise that an offence can be regarded as more serious if it involves domestic abuse.

### **3. Identification of the problem at work**

Signs that may indicate an employee is being subjected to domestic abuse can manifest in many different ways, including, but not limited to:

- The member of staff confiding in their line manager or colleagues.
- A member of staff informing their manager that a colleague is suffering from domestic abuse.
- Obvious effects of an injury suggesting physical abuse, such as bruising (though it is important not to make assumptions without further information).
- Information coming to light as a result of concerns around a noticeable impact on the employee's quality of work or a significant change in behaviour, with conduct out of character, such as becoming very quiet, anxious, aggressive or distracted.
- The underlying reason behind poor attendance or whenever victims prefer to be in the workplace rather than at home, spending an increased number of hours at work for no reason, though similarly a victim may feel reluctant to enter a Council workplace in order to avoid any signs of abuse from potentially being recognised.
- Changes in the use of phone or email, for example, a large number of personal calls or texts, avoiding calls or an evidently strong reaction to calls, texts or emails.
- The member of staff avoiding participation in video calls or online meetings when working remotely, or remaining on mute or keeping their camera off for prolonged periods.
- Changes in the amount of make-up used or in the manner of dress i.e. clothing such as long sleeves.
- Secrecy regarding their home life or apparent isolation from family and friends.

It is essential to acknowledge that any of the above situations could arise from a range of scenarios interlinking with or separate from domestic abuse. It is also accepted that an individual needs to recognise themselves that they are a victim of domestic abuse. Line managers or supervisors who have to support staff around these matters need to address the issues constructively, empathetically, respectfully and sympathetically, ensuring that the staff member is aware that support and assistance can be provided.

SMBC acknowledges that cultural or other barriers may potentially prevent domestic abuse from being disclosed, and recognises that certain groups may be disproportionately impacted or particularly vulnerable to specific forms of abuse. Furthermore, victims often feel ashamed and are likely to have been blamed for a situation by their perpetrators. The stigma can often lead to victims not feeling able to disclose or ask for help.

### **Supporting members of staff when working from home**

Line managers are best placed to check in on someone who is isolated and possibly at risk. Managers should maintain contact, for example, through regular one to ones, because members of staff may not be seeing colleagues every day. The member of staff should be supported by seeing if any changes to their working environment need to be considered or if a plan needs to be put in place. Signs of domestic abuse may not be as evident when working from home, therefore sufficient time during video calls should be allocated to help members of staff remain connected with their colleagues and reduce isolation. If there are signs that a member of staff is struggling with an issue and may require help, line managers should explore the situation with them and identify appropriate support, including seeing whether it would be possible for the member of staff to come into work to talk privately and more freely.

## **4. Disclosure of abuse**

Whenever employees experiencing domestic abuse choose to disclose, report to or seek support from their line manager or colleague, line managers should direct them to the EAP (Employee Assistance Programme) and also signpost to specialist organisations and information offering workplace support. Assistance can be accessed through many different ways.

SMBC will respond sympathetically and confidentially to any member of staff who discloses that they are suffering from domestic abuse. Members of staff will be able to report allegations of domestic abuse in different ways, including in person, in writing, by telephone, online or via a third party if this would be more acceptable to the individual. When there is a disclosure that an individual is a victim of domestic



abuse and it is known that they have children or there are legitimate concerns regarding an adult at risk, then there is a duty to refer the matter to Safeguarding.

Where an employee does not want to discuss their situation with their line manager, they can discuss the matter in confidence with another manager, their respective HR Advisor or Trade Union representative, Local Wellbeing Lead or Equality and Diversity Officer in an agreed convenient and safe location.

## **5. Confidentiality and right to privacy**

SMBC respects individuals' right to privacy. Whilst SMBC strongly encourages victims of domestic abuse to disclose what they may be experiencing for their own and others' safety, it will not force them to share this information if they do not want to.

Individuals who disclose that they are experiencing abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission, including HR. Where consent is not provided but line managers want advice and guidance from HR on how to approach or manage a situation, they can do so without identifying the member of staff. Line managers can also contact the EAP for advice on how to conduct difficult conversations.

There are, however, some circumstances in which confidentiality cannot be guaranteed. These occur when there are safeguarding concerns about children, young people or adults at risk or where the Council needs to act to protect the safety of its workforce. In circumstances where SMBC has to breach confidentiality it will seek specialist advice before doing so. If it decides to proceed in breaching confidentiality after having taken advice, it will discuss with the individual why it is doing so and will seek the individual's agreement where possible. As far as possible, information will only be shared on a need-to-know basis.

All records concerning domestic abuse will be kept strictly confidential. Whilst any periods of absence will need to be recorded, it will not be necessary to record the reason for the absence if this is related to domestic abuse and there will consequently be no adverse impact on the employee in this regard. Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may result in disciplinary action being instigated.

## **6. Support for individuals**

Everyone has the right to live free from abuse and SMBC will provide ongoing support for members of staff who disclose abuse by encouraging them to seek advice and support from professional advisory groups specialising in dealing with domestic abuse, including the police, refuges and helplines. SMBC will respond

sympathetically, confidentially and appropriately to any member of staff who discloses that they are experiencing domestic abuse.

In situations where staff, who have experienced or are currently experiencing domestic abuse and find certain aspects of their work distressing, the issues should be discussed with the line manager or grandparent manager with a view to exploring ways in which their concerns can be addressed to minimise the impact.

Where domestic abuse has been reported, line managers will consider unforeseen absences and any temporary poor timekeeping issues sympathetically and the employee will not be subject to the usual sickness absence management policy triggers and/or disciplinary procedures. In the event of prolonged, frequent absence or lateness, advice should be sought from the HR Advisor. If misconduct or gross misconduct is alleged or if a negative impact on performance is evident, a disclosure concerning an episode of domestic abuse will be considered accordingly as potential grounds for mitigation. It is necessary to consider a range of options and make appropriate decisions with discretion and sensitivity.

Line managers may offer employees experiencing domestic abuse a broad range of support. This may include, but is not limited to:

- Consideration given to paid leave and authorised unpaid leave to attend appointments with relevant support agencies, or solicitors to organise housing or childcare and for court appointments. This will need to be agreed between the line manager and the HR Advisor. For guidance on paid or unpaid leave, please refer to the Leave of Absence policy or the Sickness Absence Management policy if the appointment is in connection with medical reasons.
- Consideration given to temporary or permanent changes to working times, working patterns or the work location.
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role.
- Consideration given to redeployment or relocation, for example to move the employee out of public view.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing or abusive phone calls.
- Using other existing policies, including the flexible working policy.
- Agreeing with the member of staff the level of information that should be shared with colleagues and how they should respond accordingly.
- Agreeing a schedule with the member of staff around how contact should be maintained when working from home.
- Ensuring next of kin details are up to date by agreeing with the employee who to contact in an emergency or if they are not contactable.

- Awareness and promotion of the Council's Employee Assistance Programme (EAP) which includes a counselling service for employees. These services can be accessed by employee self-referral or manager referral to our EAP provider, Health Assured, and full details are available on the intranet/school extranet.
- Support to protect work colleagues who could, by association, become involved in the domestic conflict.

Line managers will respect the right of staff members to make their own decision on the course of action they choose to take at every stage and should not be judgemental. Line managers must take the disclosure seriously, making time and finding a private space to listen and allowing the member of staff to talk confidentially by providing a reassurance that the Council will endeavour to support them. It must be recognised that the member of staff may need some time to decide what to do and may try many different options during this process. Questions about domestic abuse from line managers should be asked sensitively so that the member of staff can feel comfortable. The individual may feel ashamed, confused, frightened and even blame themselves. It is important not to deter them from seeking the help they need. If appropriate, line managers can offer an alternative individual's details to provide support, if, for example, the member of staff would prefer to speak to someone of the same gender.

It is also important that managers do not advise the member of staff on what action to take as some well meaning advice may inadvertently lead to increased risk. Line managers should signpost members of staff to professional sources of support available via the [Directory of domestic abuse victim support](#). They should continue to offer support by operating an 'open door' policy, even if the member of staff is not ready to change their situation, and offer regular wellbeing conversations to provide opportunities for them to share any concerns whenever they feel comfortable doing so.

## **7. Organisational planning**

SMBC will work together with partners to provide information on access to appropriate professional local and national assistance, including specialist services, the police, helplines and emergency accommodation.

SMBC will instruct staff not to divulge the personal details of other members of staff, such as addresses, telephone numbers or shift patterns.

Managers will need to balance the needs of their service area with appropriate measures of support for the member of staff.

## **8. Training**

SMBC will ensure that all line managers are aware of domestic abuse and its implications in the workplace. SMBC shall support national campaigns to promote and raise awareness around domestic abuse.

Domestic abuse is covered in Safeguarding training that is mandatory for all new Council employees, and includes signposting to this policy. Members of staff in roles that involve work around domestic abuse will be notified accordingly of the requirement to update their training whenever necessary in order to ensure their skills and knowledge remain relevant.

## **9. Safety planning**

SMBC will prioritise the safety of members of staff in the workplace who make it known that they are experiencing domestic abuse.

When a member of staff discloses they are suffering from domestic abuse, SMBC will encourage them to contact a specialist support agency who can undertake a DASH (domestic abuse, stalking and harassment) and honour based violence risk assessment and make appropriate referrals where necessary.

SMBC will work with the member of staff and a specialist agency (with their consent) to identify what actions can be taken to increase their personal safety as well as address any risks there may be to colleagues, taking into account the duty of care for all.

## **10. Perpetrators of domestic abuse**

Domestic abuse perpetrated by employees will not be condoned under any circumstances.

SMBC recognises its role in encouraging and supporting employees to address violent and abusive behaviour of all kinds. If an employee approaches SMBC revealing that they are a perpetrator of abusive behaviour, SMBC will provide information about the services and support available to them, and will encourage the perpetrator to seek support and help from an appropriate source. It is recognised that perpetrators may be willing to amend their behaviour if they recognise the need to change and take positive steps towards doing so. Where there is a disclosure, confidentiality will be maintained unless there are issues of safeguarding, for example, where it is known that they have children, or to protect the safety of others.

Additional factors that will be taken into account upon consideration of the information revealed through the disclosure include, but are not limited to, the

employee's work location; the effects on the victim or any dependents; and whether or not the employee has sought help and assistance voluntarily to address the situation.

Line managers should also be aware of indicators that may possibly suggest abusive behaviour is being perpetrated, including but not limited to: negative comments about a partner or a family member; jealousy or possessiveness; displaying anger and blaming their partner or a family member for issues or concerns; or constantly attempting to contact their partner or a family member. Managers holding a reasonable suspicion that domestic abuse is taking place should discuss the situation with the employee. When doing so, they should ensure that their own safety is not compromised and may contact their HR Advisor or the EAP for advice on how to approach the conversation.

SMBC will treat any allegation, disclosure or conviction of a domestic abuse-related offence on a case-by-case basis with the aim of reducing risk and encouraging change.

An employee cautioned or convicted of a criminal offence may be subject to an investigation in accordance with the Council's disciplinary policy. Formal action may be enforced if the Council's premises or equipment has been used to track down or harass an individual. SMBC also reserves the right to take appropriate action should an employee's activities outside work have an impact on their ability to perform the role for which they are employed and/or be considered to bring the Council into disrepute.

- Violence and abusive behaviour – wherever this occurs – is a breach of the Code of Employee Conduct and will be investigated, which could result in disciplinary action being taken.

SMBC is committed to ensuring that:

- allegations are dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure;
- where both the individual stating domestic abuse has occurred and alleged perpetrator are SMBC employees, priority will be given to ensuring the safety of the parties (further information around this is given below);
- all members of staff will receive guidance and support;
- confidentiality will be maintained and information restricted only to those who have a need to know; and
- all cases will be dealt with as quickly as possible with a view to avoiding unnecessary delays

This procedure is intended to be safety focussed and supportive rather than punitive. The alleged perpetrator 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 of any possible disciplinary process;
- allowed the opportunity to respond to allegations made against them;
- advised of any communication that may have to be made to a professional organisation; and
- advised to contact their trade union or professional organisation.

There are four potential strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- disciplinary action by the Council
- providing specialist, safety-focused counselling
- identifying risk

If there are grounds to believe an employee is found to be assisting an abuser in perpetrating abuse, for example by giving them access to facilities such as telephone numbers or email addresses, then they will be considered to have been party to potentially committing an offence and could therefore be subject to disciplinary action.

If it becomes evident that an employee has made a malicious or vexatious allegation concerning another employee perpetrating abuse, the matter will be regarded as serious and investigated with a view to disciplinary action being taken.

## **11. When the victim and the alleged perpetrator work for the Council**

In cases where it has been identified that both the victim and the alleged perpetrator of abuse work in the Council, SMBC will take appropriate action.

In addition to considering disciplinary action against the employee who is allegedly perpetrating the abuse, action may need to be taken to ensure that the victim and alleged perpetrator do not come into contact in the workplace.

Consideration may also need to be given to minimise the potential for the alleged perpetrator using their position or resources to find out details regarding whereabouts or work schedules. In these situations, disciplinary action could be initiated or consideration may be given to a relocation of work.

However, it is also recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship may choose to seek solutions jointly, and in such situations appropriate support should be given.

In all cases, both the alleged victim and alleged perpetrator will be encouraged to seek professional help whether by reporting matters to the relevant authorities or seeking advice and counselling from those who are trained to deal with such matters. Sometimes the person experiencing abuse and the alleged perpetrator may choose to seek solutions jointly; their decision should be respected and supported if it is safe to do so.

## **12. Role of colleagues**

SMBC encourages all members of staff to report a colleague they suspect is experiencing or perpetrating abuse, and should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, the Council should ensure that the person with concerns is made aware of the existence of this policy.

## **13. Employee assistance programme**

SMBC offers all employees access to the Employee Assistance Programme (EAP). This is an employee benefit designed to help employees deal with personal and professional problems which could be affecting their home or work life, health or general wellbeing. The programme is run by an organisation called Health Assured.

This is a confidential facility that will provide information, expert advice and structured counselling by telephone 24 hours a day, 7 days a week. The service gives employees a place to turn to for support any time of day or night, 365 days a year.

To use the confidential service you can contact the freephone number **0800 028 0199**, the email facility on their website or the instant webchat facility via the website [www.healthassuredeap.co.uk](http://www.healthassuredeap.co.uk) using the following login details:

Username: Solihull

Password: MBC

There is also the **‘My Healthy Advantage’** Mobile App and an Online Health & Wellbeing Portal which offers employees access to online webinars, factsheets and tailored programmes online, allowing them access to support independently or alongside their counselling support. The ‘My Healthy Advantage’ app provides an enhanced set of wellbeing tools and features designed to improve your mental and

physical health by using personal metrics to set goals and achievements. It is available on the Apple Store and Google Play store, and you will need to use the employer code which is **MHA109491**.

The EAP helpline is also available to line managers to offer support when dealing with challenging managerial situations. Their advisors do not advise on HR policies and procedures but can provide a facilitative and supportive space to help assist them with complicated or difficult issues. Some managers may want to rehearse a conversation; talk through how their own issues are impinging on a work problem; or voice concern about their ability or confidence to manage a workplace conflict or difficulty. To use the service, managers can contact the freephone number **0800 028 0199**.