



NATIONAL PROBATION SERVICE

for England and Wales

**Devon & Cornwall Probation Area
Domestic Violence Employer Policy**

4 October 2005

References

Title: **Domestic Violence Employer Policy**

Synopsis:

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Originator: **Mary Anne McFarlane, Chief Officer**

Preferences:

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1. Domestic Violence Policy Statement

Devon and Cornwall Probation Area (DCPA) acknowledges that domestic violence is a significant issue in today's society; statistics indicate that 1 in 4 women will experience it at some point in their lives and that approximately 20% of reported incidents to the police are from male victims. Consequently, DCPA recognises that its employees will be amongst those impacted by domestic violence and that a clear workplace policy and guidelines are required.

The main purpose of producing the policy is:

- to provide guidance and support to all employees of DCPA who are experiencing domestic violence in their personal life, as a survivor/victim or a perpetrator, to make positive domestic or behavioural changes and provide a safe working environment
- to provide all staff, but in particular managers, human resources staff and counsellors, with an increased awareness of the main issues involved in domestic violence, so as to help them recognise potential victims/perpetrators and provide a supportive structure in which to deal effectively with cases

2. Definition

"Domestic violence is essentially about the misuse of power and the exercise of control by one person over another within the context of any intimate or close relationship. Such abuse may manifest itself in a variety of ways including physical violence, emotional or psychological abuse, sexual violence and abuse, financial control and abuse and the imposition of social isolation or movement deprivation." (Devon Domestic Violence Partnership)

As we see from the above, some forms of domestic violence are very subtle, leaving no physical marks or scars, but can be, nonetheless, equally as damaging.

Although most attacks are by men upon women, domestic violence occurs in every type of adult relationship, regardless of the individuals' gender, sexual orientation, marital status, disability, socio-economic class, age or ethnicity.

Rather than occurring as just one incident, domestic violence normally takes place as a pattern of behaviour that develops over a period of time. Whoever is affected amongst DCPA staff by this form of abuse, either directly or indirectly, and in whatever form it takes, DCPA wants to ensure that adequate guidance and support are available to its workforce.

3. Explanatory Note/Standards

There is currently no legal obligation for an employer to intervene if made aware that a member of staff is experiencing domestic violence. However, it is now widely recognised that suffering from domestic violence is likely to have an adverse effect on an employee's morale, general well-being and performance at work.

Employees who make it known to DCPA that they are experiencing domestic violence will be provided with guidance and support in their personal life, as a survivor/victim or a perpetrator. They will not be judged or ridiculed by any member of staff, but will be provided with a sympathetic, supportive response and encouraged to help themselves out of their abusive circumstances.

This policy demonstrates DCPA's commitment to support employees in making positive changes and to provide a safe and positive working environment. (It promotes the avoidance of unnecessary disciplinary action that can result from poor punctuality, attendance, work performance and productivity, which can often be symptomatic of domestic violence.)

3.1 Confidentiality and Security

Discussions between a manager and an employee who is experiencing domestic violence will be treated in confidence. However, in some extreme circumstances this confidence may need to be broken in order to protect children or vulnerable adults.

It is DCPA's responsibility provide a safe working environment for its employees, under the Health & Safety at Work Act 1974. Wherever appropriate, reasonable additional measures will be taken by managers to protect the safety of those experiencing domestic violence while travelling between work and home, whilst at work or when carrying out duties on behalf of DCPA. Examples could include negotiating temporary changes in working hours.

The Data Protection Act is designed to protect the retention and processing of personal data. Managers will ensure that additional enhanced measures are taken to protect personal information regarding those who are known to be victims/survivors of domestic violence ensuring confidentiality throughout.

3.2 Disciplinary Procedure

It should be noted that an individual who is cautioned for or convicted of a criminal offence may be subject to the Disciplinary Procedure. This will apply to a perpetrator of domestic abuse or violence. DCPA reserves the right to consider use of the Disciplinary Procedure should an employee's behaviour outside work have an impact on their ability to perform the role for which they are employed, or

be likely to bring DCPA into disrepute.

Ref: DCPA Acceptable Behaviour at Work & Code of Conduct Policy.

3.3 Devon and Cornwall Criminal Justice Board

This policy supports the approach taken by the Devon and Cornwall Criminal Justice Board which has prioritised work on domestic violence and issued good practice guidelines to employers across the peninsula.

4. Eligibility/Scope

All staff who are potential victims/survivors (or perpetrators) of domestic violence may benefit from this formal policy and the support available within DCPA. This policy is directed at all staff, to increase awareness of the scale of the issue and common symptoms of domestic violence, but in particular it focuses on those responsible for managing staff. A separate paper will be produced in relation to volunteers and board members who are victims or perpetrators of domestic violence or violence.

4.1 Communication/Training

In order to raise awareness of this policy, leaflets will be made available to all staff, to be advertised on the intranet and office noticeboards. Training will be made available as part of the implementation plan for this policy. Appropriate training will promote the effective and appropriate management of cases of domestic violence. The Acceptable Behaviour at Work Policy makes it clear that issues of violence against women, or men, should not be the subject of jokes or banter as this creates an unsupportive culture where it is hard for victims to disclose.

Ref: [DCPA Acceptable Behaviour at Work & Code of Conduct Policy](#).

5. Monitoring & Review

Regular monitoring of the policy is recommended through confidential reporting via the Occupational Health and Counselling Services. However, it is acknowledged that, due to the nature of this policy, only a proportion of employees affected by domestic violence will seek formal assistance through their employer. The staff questionnaire will be amended to include a specific question on domestic violence.

This policy is subject to regular review in accordance with all DCPA's policies.

6. Related Documents

- DCPA Domestic Violence Strategy [date]
- DCPA Business Plan 2003/2004
- "Domestic Violence: a guide for the workplace" Published by Trades Union Congress
- DCPA Acceptable Behaviour at Work & Code of Conduct - July 2005.
- Creating a Domestic Violence Employer Policy Guidance Notes, Devon and Cornwall Local Criminal Justice Board - www.cjsonline.gov.uk
- Health and Safety [security policy needed in relation to dv]
- DCPA Special Leave Policy
- Counselling Service details - on DCPA intranet - HR microsite.

7. Equality Statement

DCPA acknowledges that domestic violence takes place in all areas of society. However ~~cultural~~ many issues will have a bearing on the context of the situation for victims and survivors, as well as for perpetrators. Any staff training provided on the subject of domestic violence will incorporate an appreciation of these issues and how to manage them based on sound principles.

8. Contacts

DCPA provides all staff with support from Human Resources whose staff are aware of the difficulties associated with problems in the home. However, should an individual feel that they require urgent or specialist advice, they are encouraged to contact any of the DCPA staff, their union representative or an appropriate external agency, some of which can be accessed through the links below:

Devon and Cornwall Probation Area: Domestic Violence Employer Policy

ORGANISATION	TELEPHONE NUMBER	WEBSITE ADDRESS
Napo representative (Paul Falkingham)	(01752 827500)	
UNISON representative (John Cupit)	(01392 474108)	
Acceptable Behaviour Advisors	01392 474123	
National 24 hour helpline (staffed)	0808 2000 247	
Devon Against Domestic Violence and Abuse		www.adva.org.uk
Domestic Violence Outreach: Individual support for women: East Devon Exeter Mid Devon North Devon West Devon South Hams and Teignbridge Torridge	01392 435560 01392 426483 01392 426521 01271 321496 01837 55228 01364 644088 01271 321946	
Domestic Violence Outreach : individual support for men: Devon MALE	0845 0646800	
Multi-agency training: one day 'Tackling Domestic Violence'	01392 382233	Melody.floyde@devon.gov.uk
Devon & Cornwall Constabulary	Telephone 999 in an emergency Or 08452 777444 at all other times	www.devon-cornwall.police.uk/v3/crime/domestic/index/htm
ADULT PROTECTION TEAM Devon: Adult Protection Co-Ordinator Adult Protection Officer Cornwall: Department for Adult Social Care Plymouth: Social Services Torbay: Emergency Social Services duty team	01392 382570 07976 314501 01208 251300 (out of hours) 01752 306900 01803 292166	
COMMUNITY BASED PROGRAMMES Devon: Rachel Martin, Co-ordinator Cornwall (County based DV programme – MARS)	01392 382233 01872 276670	

GUIDANCE NOTES FOR MANAGERS

1. Managers and staff who are made aware that an employee is experiencing domestic violence must treat this information as confidential and must treat the individual in a non-judgemental, supportive manner. Managers should not discriminate against individuals in the workplace due to these circumstances, or subject them to ridicule.

1.1 Confidentiality and Security

Those experiencing domestic violence may feel concerned about seeking the help of their manager or other members of the workforce. This is understandable, but it is hoped that this policy will encourage individuals to talk freely if they can be assured of talking to a non-judgemental, sympathetic and understanding listener, who can offer further support and keep communication channels open. Their discussions will be in confidence, although in some extreme circumstances this confidence may need to be broken in order to protect the safety of an individual, particularly in the case of children or vulnerable adults. In this case, advice must be obtained from the relevant departments within Social Services (see Contacts section at the end of this document).

Physical security can be very important in cases of domestic violence. Great care must be taken to ensure that phone numbers, email and home addresses are not given out to individuals who are not properly concerned, either work colleagues or individuals from outside the workforce, whoever they claim to be. The Data Protection Act clearly prohibits improper use of such information, and it is particularly important to help to ensure that members of staff and their families are safe at home, travelling to or from work, at work and when carrying out their duties. This is especially relevant in the event of a victim/survivor attempting to leave an abusive relationship; it is a fact that this is the most dangerous time for a victim. Giving out information to those not authorised to have it could put individuals at risk of serious physical harm or even death.

On occasion, a perpetrator may make threats to a victim/survivor, sending threatening emails, making abusive telephone calls, attempting to enter the office where they work or making regular and repeat contact to 'check up' on the victim. This is particularly common if the individual is attempting to leave the relationship. When made aware that such behaviour is possible, the manager should document the nature of the threats or behaviour of the perpetrator, and carry out and document a risk assessment of the circumstances, ensuring that danger to the victim and other members of staff is minimised. Managers should contact their relevant Health & Safety representative should they require any additional assistance and advice. It may be appropriate for the manager to inform others within the organisation of the potential threat, **with the victim/survivor's agreement**, to take appropriate measures to deal with the issues or increase security. This may take the form of warning switchboard/reception/security, or

changing an individual's role temporarily or permanently if it makes them particularly vulnerable.

Any incidents of domestic violence which occur on workplace premises, or whilst a victim/survivor is carrying out their work duties, should be noted in the Accident & Incident Reporting book and reported to the Police.

1.2 Performance Issues

It is hoped that by drawing this difficult issue to the attention of managers, they will be better able to identify the likely symptoms of those experiencing domestic abuse and/or violence. Unfortunately, it is often the case that an individual is already the subject of disciplinary procedures when the issue first comes to light. Poor work performance, irregular attendance, poor timekeeping, unexplained absence and lack of concentration can all be indicators of these difficult domestic circumstances and will be mitigating factors to be taken into account within the Disciplinary process.

Although some employees may choose to disclose to their line manager that they are suffering from domestic violence, others may find this a very difficult issue to disclose. They may choose to inform a third party of their situation. However, they should be encouraged to tell their line manager to ensure that their circumstances are understood and appropriate help and support can be provided.

[The Special Leave Policy can be found on the intranet in the HR Microsite; HR Policies.](#)

1.3 Counselling

Individual counselling can be obtained through the DCPA Employee Counselling Service (which can access specialist counsellors experienced in domestic violence) and from some of the external agencies. Apart from those trained in counselling skills, other managers and staff are not qualified to provide this service. It is inappropriate for those who are untrained to attempt to counsel individuals and indeed, in some cases, it could be unhelpful or even dangerous. Any member of staff who is approached by an individual who wishes to discuss domestic violence should deal sensitively and empathetically with the situation. Their role is to listen and provide factual, information regarding DCPA's policies. They should not offer advice or personal assistance to the individual in dealing with their domestic issue, but should encourage the individual to seek support from the appropriate support agencies. Some of the contact numbers are listed in this document.

1.4 Special Arrangements

It is commonplace for an individual to require additional leave when attempting to seek help or attempting to leave an abusive relationship. They may need to see

a solicitor, the police, their GP, housing agency, hospital or other support agencies, or perhaps to arrange for suitable childcare. In such circumstances, use should be made of the flexible time system to accommodate leave wherever possible. Special leave will be considered by a manager if annual leave entitlement has been exhausted and, whilst not guaranteed, requests will be treated sympathetically. Please refer to the [Special Leave Policy](#) and seek guidance from HR Advisors.

Finances are often of great concern to those who are experiencing domestic violence, and lack of money is often given as the reason for an individual staying in an abusive relationship, fearing an inability to support themselves. Alternative salary payment methods will be considered under very exceptional circumstances and guidance should be sought from HR.

Any special arrangements which are agreed with an individual member of staff, either temporary or permanent, should be recorded and the details of the agreement maintained confidentially, with other members of staff only being informed of the details on a “need to know” basis.

1.5 Perpetrators

Individuals who are the perpetrators of domestic violence are encouraged to seek support and help from an appropriate source. From recent research it is understood that many abusers have themselves suffered from domestic violence in the past. There is little support available for perpetrators who have not entered the criminal justice system but there are some community based programmes in both Devon and Cornwall.

It should be noted that an individual who is convicted of a criminal offence that is relevant to their job, or is likely to bring DCPA into disrepute, may be subject to DCPA’s Disciplinary Procedures. In some cases, it may be deemed inappropriate for an individual to continue in their current role due to a caution or criminal conviction, especially if they are in contact with the public, children or vulnerable adults. One of the outcomes of the Disciplinary procedures may be the possibility of redeployment into an alternative role

1.6 Vulnerable Adults

Should a victim/survivor of domestic violence be a vulnerable adult, the manager should refer the issue to multi-agency procedures, and obtain advice from the relevant Adult Protection Team, whose contact details are listed in the Contacts section of this Policy and Guidance document.