

A Council Wide Policy



CHIEF EXECUTIVE'S FOREWORD

OUR VISION

Newry, Mourne and Down is a place with strong, safe and vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people's needs.

Domestic Abuse and Sexual Violence (Domestic Abuse) occurs right across our society and it has devastating consequences for the victims and their families. It knows no boundaries as regards age, gender, gender identity, race, religion, ethnicity, sexual orientation, wealth, disability, social background or geography.

It affects not only adults but may be inflicted on or experienced by children. The potential adverse effects on children of living with Domestic Abuse and Sexual Violence include poor educational achievement, social exclusion and juvenile crime, substance misuse, mental health problems and homelessness.

Newry Mourne and Down District Council strives to create a working environment that promotes the view that violence against people is unacceptable and that such abuse and violence will not be condoned and that everyone has a right to live free from fear and abuse.

As such Council recognises that this Domestic Abuse and Sexual Violence Policy must be owned at all levels within the organisation and, **this Policy is addressed to all elected members, employees, casual workers, agency workers, volunteers, contracted services and the general public.**

This Policy is also created in conjunction with our Community Plan and responds to the following outcomes: **“All people in Newry Mourne and Down live in respectful, safe and vibrant communities”, “enjoy good health and well-being” and “get a good start in life and fulfil their life-long potential”**

The Council is committed to raising awareness of domestic abuse in the community through the work of the Policing & Community Safety Partnerships (PCSP) and with other local organisations in the Newry Mourne and Down area, including PSNI, Domestic Abuse & Sexual Violence Partnerships, Women's Aid and Onus, through its Safe Place initiative.

This Policy demonstrates the Council's commitment to providing guidance for elected members, employees, casual workers, agency workers, volunteers, contracted services, and managers to address the occurrence of domestic abuse and its effects on the workplace.

Domestic abuse has a damaging effect on people and can have an adverse impact on their employment, e.g. increased absence levels as a result of physical injuries and / or mental health issues, victims not being allowed out of the house to attend work and performance issues when in work. However, the cause of these effects is often not talked about because victims are frightened of further attack and/or of perceived repercussions on their ability to carry out their job. I therefore ask that everyone takes time to familiarise themselves with this Policy and its accompanying procedures, so they are fully aware of their responsibilities and duties.

Marie Ward
Chief Executive

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This Policy was created in partnership with the accompanying procedures. They provide the structures which uphold the Policy and which through their implementation will aim to create a safe and supportive environment for all Council personnel and service users.

1. Title

Domestic Abuse and Sexual Violence Policy.

2. Statement

Newry Mourne and Down District Council is committed to the principle that Domestic Abuse and Sexual Violence is unacceptable behaviour, that such abuse and violence will not be condoned, and everyone has the right to live free from fear and abuse.

This Policy aims to support employees who have been affected by, or are at risk of, domestic and/or sexual violence and abuse, to ensure Newry Mourne and Down District Council can fulfil its duty of care to its employees and help create a safe and supportive workplace for all.

The implementation of this Policy will create a working environment that promotes the view that domestic abuse and violence against people is unacceptable, where elected members, employees, casual workers, agency workers, contractors and volunteers understand their role and responsibilities to address the occurrence of domestic abuse, its effects on the workplace and where all Council personnel feel supported and equipped with the skills to do so.

3. Aim

The aim of the policy is to make the workplace a safe and supportive environment for all employees, elected members, volunteers, agency workers, casual workers, and contracted services of Council who are affected by domestic abuse and sexual violence.

The objectives of the policy are:

- To offer support to our employees in addressing problems arising from domestic abuse sympathetically and in confidence (as far as possible).
- To mitigate the risk of harm of our employees in the workplace.
- To signpost employees to external support agencies who can carry on support beyond the workplace.
- To recognise and respond effectively to cases of domestic abuse among our workforce, as appropriate and to challenge behaviours and attitudes through awareness raising.

4. Scope.

This Policy applies to all employees, elected members, casual workers, agency workers, volunteers, contractors, and those using our facilities irrespective of their function, remit or role. Newry Mourne and Down District Council acknowledges that while it is mainly women who experience domestic abuse, this policy applies equally to men and people of other genders including transgender, who need advice or support and those in same sex relationships. In support of this, it is the Council's Policy that anyone who is experiencing or has been affected by Domestic Abuse and Sexual Violence can raise the issue, in the knowledge that we will treat the matter effectively, sympathetically and within statutory limitations.

The Council recognises that domestic abuse is not confined to the home and that it is likely it will impact upon the employee in the workplace. The Council recognises its duty to keep elected members, employees, agency workers, casual workers, volunteers and contracted workers safe within the workplace and would encourage employees to disclose to a line manager or "Safe Place

Advocate” (see paragraph 9. Providing Support for Employees) if they have any concerns about their safety in the workplace or travelling to and from any workplace. Newry Mourne and Down District Council will take all reasonable steps to address these concerns.

The Council recognises that home and work issues cannot always be separated, and that domestic abuse can impact greatly on the working life of employees and can result in:

- A deterioration in employee performance
- Increased and unexplained absenteeism.
- Poor timekeeping etc.

These could potentially threaten job security and prospects where the cause of these behaviours is unknown to the employer.

There is an expectation that all Council personnel will work in partnership as they apply this policy and Council will ensure that elected members, employees, casual workers, agency workers and volunteers are provided with the tools and knowledge to equip them to respond to and support anyone suffering domestic abuse and deal with situations that may cause them concern.

5. Related Policies.

The Policy provides assurance that the welfare of children and adults at risk is paramount. The Policy has also been produced to support employees by providing information and guidance to increase confidence in what they do. Council has developed this Policy in line with the following legislation and good practice guidelines.

Legislation:

- Crime and Disorder Act 1998
- Section 75 NI Act 1998
- Human Rights Act 1998
- Immigration and Asylum Act 1999
- Mental Capacity Act 2005
- The Safeguarding Vulnerable Groups (NI) Order 2007
- Domestic Violence, Crime and Victims Act 2004 (as amended)
- Female Genital Mutilation Act 2003
- Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
- Health and Safety at Work (NI) Order 1978
- The Management of Health and Safety at Work Regulations (NI) 1992
- Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (NI) 1997
- Health and Safety (Consultation with Employees) Regulations 1996

For further information on Safeguarding legislation including specific criminal offences please visit www.opsi.gov.uk.

In addition, Council has framed this Policy within the following human rights and values:

- Article 2 The Right to Life
- Article 3 Freedom from Torture (including humiliation and degrading treatment)

- Article 8 Right to Family Life (one that sustains the individual)
- Article 14 Prohibition of discrimination

Good Practice Guidelines:

- NIASP (NI Adult Safeguarding Partnership) - Adult Safeguarding Policy for NI
- Adult Safeguarding: Prevention and Protection in Partnership
- DOJ & DHSSPS 'Stopping Domestic Violence and Abuse Strategy'

This Policy operates in parallel to, and is supported by, the following council policies:

- Equality & Good Relations
- Training and Development
- Social Media
- Health & Safety
- Fraud & Corruption
- Complaints, Comments and Compliments
- Records Management (Data Protection)
- Code of Conduct
- Safeguarding – Children and Adults at Risk

6. Definitions

Domestic Abuse and Sexual Violence is a pattern of behaviour that is characterised by the exercise of control and the misuse of power by one person over another within an intimate or family relationship. It is usually frequent and persistent. While domestic abuse most commonly refers to that perpetrated against a partner, it includes violence against ex-partners, and violence by any other person who has a close or family relationship with the victim, including parents, children, siblings. It also includes honour-based violence.

Domestic abuse does not just refer to physical violence but also to sexual, emotional and psychological, online and financial abuse; it is, in many cases, made up of a combination of different forms of abuse.

For the purposes of this Policy, Domestic Abuse and Sexual Violence (Domestic Abuse) is defined as any “threatening, controlling, coercive behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age ethnicity, religion, gender, or sexual orientation) by a current or former intimate partner or family member”. (Definition taken from the DOJ & DHSSPS Strategy document: “Stopping Domestic and Sexual Violence” March 2016).

For the purposes of this Policy the term ‘employee’ includes employees, elected members, volunteers, agency workers, casual workers, and contracted services.

For the purpose of this Policy the term ‘workplace’ means ‘working from anywhere’ (which includes ‘home working’) and the Policy applies to those ‘working from anywhere’.

7. Confidentiality

Whilst employees experiencing domestic abuse normally have the right to complete confidentiality, in circumstances where there are safeguarding concerns for children or adults who may be at risk of harm, the appropriate protection services may need to be involved. It is likely that complete confidentiality cannot be guaranteed in these situations. For example, where a risk to children or an adult is identified, then the council may have a duty to inform Social Services or the Police. Where this arises, the employee will be informed.

8. Right to Privacy

The Council respects an employee's right to keep private the fact that they have experienced domestic abuse within the statutory limitations.

9. Providing Support for Employees

The Council will consider the following actions where applicable and where the work of the Council and services to citizens will not be compromised by their implementation:

The Council will make every effort to assist an employee experiencing domestic abuse. If an employee needs to take leave from work due to domestic abuse, the nature and length of the leave will be determined by the individual's situation through collaboration with the employee and their line manager subject to balancing both service needs and the needs of the individual. In this context managers and supervisors are encouraged to provide a sympathetic response to requests for special paid or unpaid leave; flexible working and other revised working arrangements as a result of domestic abuse, for example flexibility in working hours or time off when required to enable the employee to seek protection, go to court, look for new housing, enter counselling, arrange childcare etc.

The Council will consider the requirement for a change of working arrangements on a short-term or long-term basis, as necessary. (For example, moving the employee away from the reception area or from working in a ground-floor office which is visible from the street if required; redeployment or relocation, changing shift patterns, changing hours).

The Council will also consider changes to arrangements for the payment of salary, if requested (including a salary advance, if needed, e.g. to acquire alternative accommodation).

Newry Mourne and Down District Council recognises that people experiencing Domestic Abuse & Sexual Violence are at increasing risk when they attempt to leave an abusive partner. They may become vulnerable going to and coming from work, or while they are at work as the perpetrator knows where they can be located. This can give rise to health and safety issues including the risk of abuse and harm occurring in the workplace.

Employers have a duty of care under the Health and Safety at Work (NI) Order 1978 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees. The Management of Health and Safety at Work Regulations (NI) 1992 also requires employers

to assess the risks of violence to employees and make arrangement for their health and safety by effective planning, organisation and control.

The Council will make support available to employees involved in domestic abuse through line managers, Human Resources, Occupational Health, the Council's confidential employee counselling service and the network of "Safe Place Advocates".

The Council has set in place a procedure for designating certain staff members to be "Safe Place Advocates". These employees will be available as the first point of contact for employees experiencing domestic abuse. They will receive training in responding to disclosures of domestic abuse, information about relevant agencies that offer support, and information on current legislation, reports, publications, and events to do with domestic abuse. The Safe Place Advocates for domestic abuse will be drawn from a range of areas/locations within the Council but will include staff from Human Resources and trade union representatives. The names and contact numbers for all Safe Place Advocates will be available to all staff.

The role of the "Safe Place Advocate" is to:

- Be available and approachable to employees experiencing domestic violence.
- Listen, reassure, and support individuals.
- Keep information confidential (subject to the requirements of child and adult protection).
- Respond in a sensitive and non-judgmental 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

The Council recognises that victims of domestic abuse may have performance problems such as 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 and aim to assist the employee in seeking professional help. The Council will address health and safety concerns in the workplace and will signpost to external agencies to carry on support beyond the remit of the workplace. The Council will commit to collaborative working with external agencies (if desired by employee) to provide a joined-up approach to supporting the employee, inside and outside the workplace.

Visible Resources that Provide Support

The Council will provide contact details for a range of organisations, which can offer support to employees living with domestic abuse. These will be found in highly visible locations as well as in private locations, so that they can be picked up discretely by employees. Safe Place cards will be left in discrete but accessible locations.

10. Employee's Responsibilities

All employees of Council have a responsibility to:

- Accept prime responsibility for their personal safety and that of their colleagues.
- Familiarise themselves with and follow this policy and bring to the attention of their managers any concerns which they have relating to personal safety.
- Participate in training that has been made available to them on domestic violence.
- To ensure that no personal information relating to colleagues is passed on to callers.

11. The Role of Managers

While this policy applies to all employees of the Council, it is line managers, in consultation with "Safe Place Advocates" and when necessary, Human Resources, who will play a key role in implementing it in practice.

The role of the line manager can be summarised as follows:

- Be aware that employees who are experiencing domestic abuse/violence may demonstrate poor punctuality, attendance, work performance and productivity and should take steps to try and establish this prior to instigating any formal council procedures. Details of possible signs/indicators that someone is experiencing domestic abuse are contained in Appendix 1.
- Where domestic abuse is suspected or known, managers should contact Human Resources for advice before any discussion with the employee takes place, if it is possible to do so.
- Where it is alleged that an employee is perpetrating abuse during work time or using work resources, the manager will discuss this as a matter of urgency with Human Resources.
- Managers will review the security of personal information held on employees and ensure that it is retained in a lockable filing cabinet or cupboard and disposed of securely when it is no longer required.
- Managers will ensure that a risk assessment is carried that will provide a plan to address any security concerns in the workplace.
- Managers will keep a confidential record of any discussions and of any action taken. This will be kept with the knowledge and consent of the employee concerned, who will be able to access it.
- Managers will use discretion to facilitate time off for appointments, counselling, re-housing, court attendances etc.
- Managers will ensure rehabilitative return and support under Council's Managing Attendance Policy where appropriate.
- Managers will consider redeployment if necessary, regarding location of work.
- Managers will consider changes to working hours, shift patterns or flexible working arrangements.
- Managers will offer support through Health & Wellbeing or Employee Counselling or assist with referral to specialist agencies for on-going help or support.

- Managers will take advice from Human Resources staff regarding issues of employment.
- Managers will consider the provision of any relevant training that might provide additional support to employees, e.g. assertiveness training for confidence building.

12. Perpetrators who are Employees

With regard to perpetrators of domestic abuse, the Council will undertake to do the following:

- Reserve the right to invoke the disciplinary procedure against any employee who perpetrates violence, including domestic abuse and / or who uses the Council's time, property or other resources to abuse a partner or family member or to aid another to do so. The Council will establish the facts of the case before considering if disciplinary action is justified.
- There may be circumstances where cases of Domestic Abuse and Sexual Violence are dealt with in the criminal justice system either, as an alternative to, or, concurrent to, the disciplinary procedure.
- Require an employee who has a Non-Molestation Order or Occupation Order in place against them, to declare this to the Council and where appropriate Council will provide support measures to enable compliance with such orders.
- Take action, as appropriate, to minimise the potential for a perpetrator to use his position or resources to find out the whereabouts, or other details, of his partner or ex-partner.
- Consider requests for time off to attend appropriate interventions when perpetrators are seeking help to address their abusive behaviour.
- In cases where both the perpetrator of Domestic Abuse and Sexual Violence and the victim are both employed by the Council, action may need to be taken to ensure that both the victim and perpetrator do not come into contact in the workplace.

13. Policy Owner

Assistant Director Corporate Services: HR & Safeguarding

14. Contact details in regard of this policy are:

Gary Scott
Safeguarding Coordinator
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15. Policy Authorisation

SMT 09th June 2020

CMT 09th June 2020

Strategy, Policy and Resources Committee: 13th August 2020,

Council: 07th September 2020

16. Policy Effective Date

09th March 2022

17. Policy Review Date

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments.

18. Procedures and arrangements for monitoring the implementation and impact of the policy

This Policy is accompanied by tailored operating procedures that will outline the standards required for appropriate support and process to mitigate the risk of harm.

The Policy will be implemented via a series of briefings, training sessions and circulations in accordance with the need of the relevant department.

Quality assurance visits and reviews will be undertaken periodically to ensure compliance with the Policy and associated procedures.

The impact of the Policy would be monitored via feedback from staff including Managers, HR and Designated Safeguarding Officers from across the organisation regarding the effectiveness and suitability of the operating procedures.

19. Equality Screening

This Policy has been equality screened and the following outcome determined:

1. Not be subject to an EQIA (with no mitigating measures required).

20. Rural Impact Assessment

The Rural Needs Act (Northern Ireland) 2016 requires the Council to have due regard to rural needs when: (a) developing, adopting, implementing or revising policies, strategies and plans, and (b) designing and delivering public services.

A Rural Needs Assessments has been completed (May 2020). No mitigating factors are to be considered as the Policy does not distinguish between rural and urban areas.

21. Version Control

V1

Appendix 1– Indicators of domestic abuse

Signs that an individual is experiencing domestic abuse can include:

- Poor timekeeping without explanation
- High absenteeism rate without explanation
- Uncharacteristic anxiety, depression or problems with concentration
- Uncharacteristic deterioration in the quality of work performance
- The receipt of repeated upsetting calls/faxes/e-mails /text messages
- Individual being a victim of vandalism or threats
- Obsession with time
- Needing regular time off for appointments
- Inappropriate or excessive clothing
- Repeated injuries, or unexplained bruising or explanations that do not match the injuries displayed
- Increased hours being worked for no apparent reason
- Prevented from seeing children or fear of not seeing children
- Limited money / access to money
- Restricted work / social life

Please note that this is not an exhaustive checklist, some victims may display no signs of violence or abuse. Individuals experiencing domestic abuse suffer a broad range of physical and emotional consequences.

Additionally, it is essential to understand that any of the above may arise from a range of circumstances, of which domestic abuse may or may not be one.

Appendix 2 - Non-traditional victims of domestic violence/abuse

Whilst women experience and report higher incidences of violence and abusive behaviour within their family and relationships, other people can be affected and hurt by domestic abuse too.

It is important to consider when articulating and promoting your support to victims that non-traditional victims may be present in the work place. For example, those who are in a same sex relationship and/or those who are male. It is important to be sensitive and supportive in different ways to help all victims feel comfortable speaking to their colleagues and managers about their relationship in the workplace.

Remember that those who are in a same-sex relationship may face a fear of discrimination or actual discrimination and exclusion on a daily basis because of their sexual orientation. They may be reluctant to come out to colleagues and if they do you should be sensitive about who is informed of the details of their relationship.

Often, an abusive same sex partner takes advantage of homophobia to manipulate a partner to keep the abuse a secret and/or threatens to 'out' them to family, friends and work colleagues. Same sex attracted victims may also fear that most support services are designed for heterosexual people. It is important that you have access to appropriate support services for lesbian, gay and bi-sexual people and can provide this information to all employees to communicate your openness and thoughtfulness in this regard.

For male victims whether heterosexual or same sex attracted, coming forward to talk about abuse in a relationship and ask for help and support is difficult to do. Men access support in very different ways to women and often can be further isolated in an abusive relationship due to the myths about maleness meaning strength and self-sufficiency etc. It is difficult in the workplace to acknowledge you are experiencing abuse. Many men worry that they will be mocked or treated with disbelief. There are many support services for heterosexual and same sex attracted men, it is important that you have access to appropriate support services and can provide this information to all employees to communicate your openness and thoughtfulness in this regard.

It is important that all staff who are trained to support victims of domestic abuse in the workplace have received appropriate guidance and training in issues pertaining to non-traditional victims of domestic abuse.