

Notice of Meeting and Agenda Renfrewshire Council Joint Negotiating Committee for Teaching Staff

Date	Time	Venue
Tuesday, 28 January 2020	14:00	Corporate Meeting Room 2, Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM
Head of Corporate Governance

Additional Item

I refer to the agenda for the meeting of the Renfrewshire Council Joint Negotiating Committee for Teaching Staff to be held on 28 January 2020 and enclose the undernoted additional report which was not included in the notice calling the meeting and which the Convener has agreed to be considered as an additional item of business.

Items of business

7 The Domestic Abuse Policy

1 - 20

Report by the Principal HR & OD Adviser.

Renfrewshire Joint Negotiating Committee for Teachers

To: Renfrewshire Joint Negotiating Committee for Teachers

On: 28 January 2020

**Report by
Principal HR & OD Adviser**

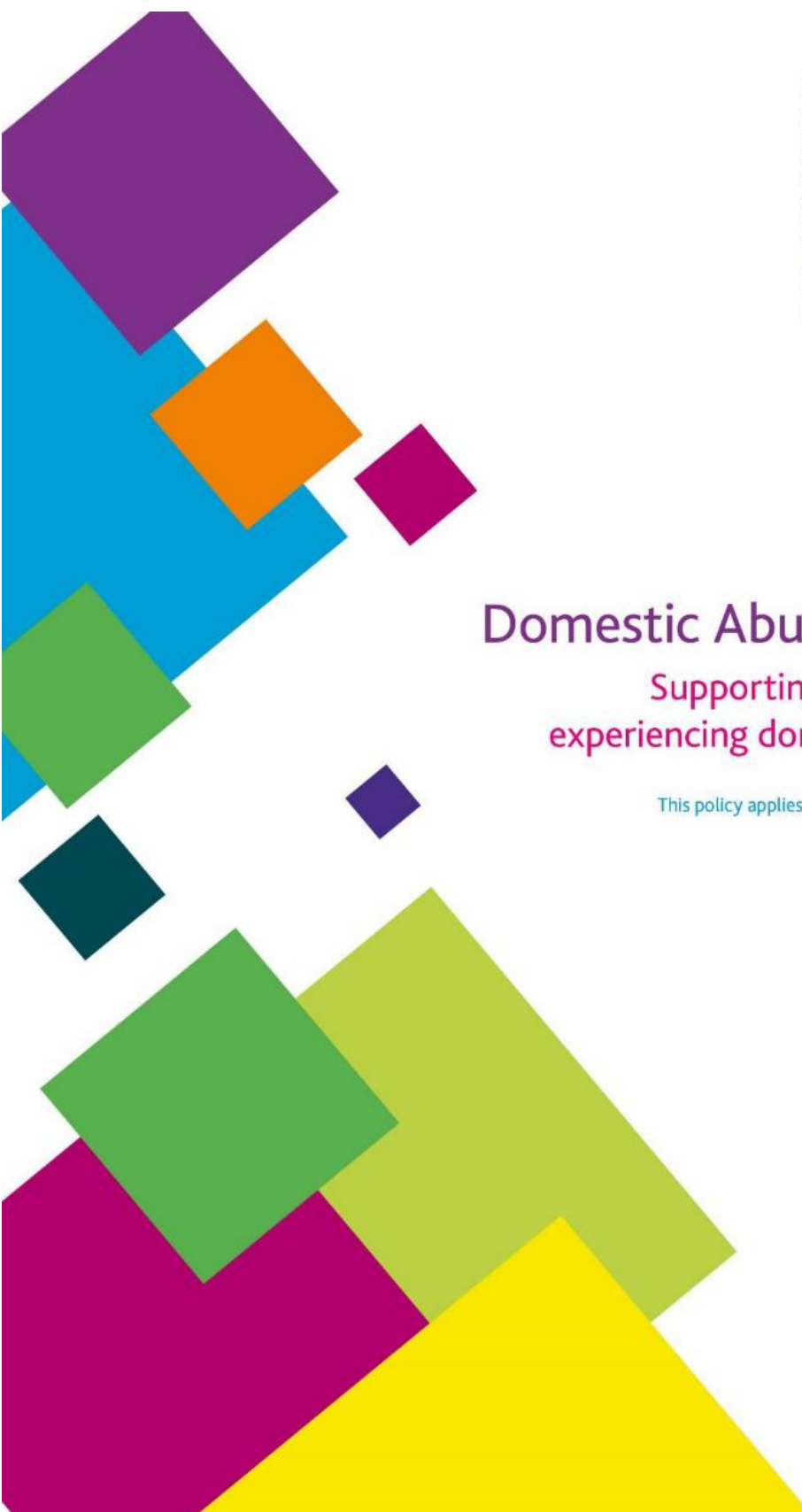
The Domestic Abuse Policy

1. Background

- 1.1. The Domestic Abuse Policy was approved by the Elected Members in November 2019. The principles of this policy apply to all Council employees, including Teaching staff.
- 1.2. The purpose of this report is to provide JNC with the new Domestic Abuse Policy as attached at **Appendix 1** and agree approval for the Teaching Staff Special Leave Policy to be updated in accordance to reflect the support and paid leave provision.

2. Recommendation

- 2.1 JNC is asked to approve the implementation of the Domestic Abuse Policy for Teaching Staff, including an increase to special Leave provision (safe leave) to a max of 10 days per annum.



Issue number: 1

Issue Date: 11/19

Review Date: 11/20

This document is
available in alternative
formats on request.

Finance and Resources
HR and Organisational
Development

Domestic Abuse Policy

Supporting employees experiencing domestic abuse

This policy applies to all Council employees

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1. Introduction

- 1.1 Domestic abuse has a devastating impact on individuals and their families. Renfrewshire Council along with its key Community Planning Partners, believe that domestic abuse is unacceptable and are committed to supporting both employees and our service users who are impacted by this.
- 1.2 It is recognised that 75% of those who suffer domestic abuse, suffer at work. The mental and physical injury a person endures can impact their attendance at work and even where they make it to work, they can be less productive, however the true impact can be easily hidden.
- 1.3 People experiencing domestic abuse may feel trapped and helpless. They often do not want to admit or share their experience because they feel shame or some responsibility for the situation or that they should be able to deal with the issue on their own. There can also be fears that they will not be believed, that their experiences will be trivialised or that they will cause trouble for the perpetrator.
- 1.4 This policy demonstrates the Council's commitment to the health, safety and welfare of our employees creating a workforce culture that is supportive and provides a 'safe place' for employees to disclose their experience of abuse and access appropriate support if they wish, irrespective of gender, gender identity or sexuality. It supports the Council's statement of intent around Domestic Abuse and covers historical, recent and ongoing abuse, recognising that some employees may have experience of more than one form of domestic abuse.
- 1.5 This policy has been developed in line with the recommendations outlined in 'Equally Safe - Scotland's Strategy for Preventing and Eradicating Violence Against Women and Girls' provided by the Scottish Government and its partners and the 'Equally Safe at Work' good practice standard and guidance.
- 1.6 This policy has been agreed and developed in partnership with the recognised Trade Unions and complies with relevant employment legislation.

2. Purpose and Aims

- 2.1 The purpose of this policy is to demonstrate the Council's commitment to zero tolerance in relation to domestic abuse and raises awareness about the support available from the Council and external organisations.
- 2.2 This policy aims to:
 - Demonstrate the Council's commitment to supporting employees who have been impacted by domestic abuse;
 - Encourage a supportive culture where employees feel confident to seek support and assistance in a confidential setting;
 - Raise awareness of the support provisions available through the Council and its partners;
 - Provide managers and employees with advice and guidance to ensure the confidential handling of situations arising from domestic abuse;
 - Meet all legislative requirements;

- Set out the Council's position in relation to addressing the behaviour of employees who are perpetrators of domestic abuse.

3. Scope

- 3.1 The principles of this policy apply to all Council employees. The Special Leave provisions outlined in this policy at **Section 7** are applicable to local government employees. Teaching staff should refer to their own Special Leave Policy for leave provision relating to domestic abuse and violence. Advice and guidance on these policies and leave provisions is available from HR & OD.
- 3.2 Managers, employees, HR & OD, the Trade Unions and our Community Partners all have a part to play in ensuring the principles of this policy are applied effectively.

4. The Domestic Abuse (Scotland) Act 2018

- 4.1 The Domestic Abuse (Scotland) Act 2018 came into place on 1 April 2019. The new Act covers not only spouses, civil partners and cohabitants but also people in intimate personal relationships who do not live together, and as well as physical abuse, it will cover other forms of psychological abuse and coercive and controlling behaviour.

5. What constitutes abusive behaviour under the Domestic Abuse Act?

- 5.1 Under the act, domestic abuse constitutes behaviour that is violent, threatening or intimidating against a partner, child or other person which have one of the following effects on the victim:
- Making a partner dependent or subordinate, such as denying them access to money or bank cards;
 - Isolating a partner from friends, family or other support, such as forcing them to cancel plans or make excuses not to attend family events;
 - Controlling, regulating or monitoring a partner's day to day activities, such as accessing their bank statements or calling them excessively to find out where they are and punishing them for not answering;
 - Depriving or restricting a partner's freedom of action, for example, not allowing them to have keys to the house so they cannot leave or preventing them from having a job;
 - Frightening, humiliating, degrading or punishing a partner, for example insulting them on a regular basis or fabricating stories, such as false illness, to cause them alarm.
- 5.2 Other definitions and forms of abuse include:
- **Physical Abuse** includes all physical violence, such as slapping, punching, pulling your hair, scalding or burning, strangling, throwing or breaking things.
 - **Emotional abuse** includes humiliation and degradation, isolation from family and friends, threats against the person and children and name calling.

- **Sexual abuse** includes rape, use of force, threats or intimidation make a person perform sexual acts or any degrading sexual treatment.
- **Financial abuse** includes not being allowed to take a job, being denied access to money which is yours or being forced to ask for money for essentials.
- **Controlling behaviour** – a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities by personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- **Coercive behaviour** – an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.
- **Crimes in the name of ‘honour’** – “Honour based violence” is a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community.
- **“Honour Based Violence”** can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and/or community members. Examples may include murder, unexplained death (suicide), fear of or actual forced marriage, controlling sexual activity, domestic abuse (including psychological, physical, sexual, financial or emotional abuse), child abuse, rape, kidnapping, false imprisonment, threats to kill, assault, harassment forced abortion.

6. Recognise, Respond and Support

6.1 Recognising the signs of domestic abuse

6.1.1 It is not always easy to detect when an employee is experiencing domestic abuse. Identifying that an employee is experiencing difficulties at an early stage can help them to deal with their situation and ensure that appropriate support is provided. Some signs may include:

- **Changes in personality/behaving out of character** - they may be less confident and withdrawn, have difficulty concentrating or appear anxious, distressed or tearful.
- **Changes in appearance** – repeated injuries or unexplained bruising, wearing excessive clothing or makeup.
- **Isolating themselves** – they may avoid lunch breaks or socialising outside of work or want to avoid discussing their personal life.

- **A change in timekeeping and attendance** – this could include an increase in absence, asking for time off at short notice, being frequently late for work or being reluctant to leave at the end of the working day.
- **Changes in work performance** - Receiving repeated upsetting telephone calls, e-mails or texts at work and becoming withdrawn or anxious before or after this contact. Alcohol or drug use/dependence, sleeping or eating disorders.

6.2 Responding to and supporting employees who are impacted by domestic abuse

6.2.1 The Council is working towards creating a safe and supportive environment which encourages employees to report domestic abuse and our managers have a role in supporting employees in these circumstances.

6.2.2 Employees are encouraged to confide in their manager if they are experiencing domestic abuse. Where employees suspect a colleague is experiencing or perpetrating abuse, where they feel comfortable to do so, they should approach the employee and offer support and where the individual agrees and gives consent, they should also raise the matter in confidence with the appropriate manager.

6.2.3 Where a manager suspects that an employee is experiencing domestic abuse, they should talk to the employee in confidence about their general well-being. A manager's role is not to deal with the abuse itself but to make it clear through the application of this policy that employees will be supported and outline the various ways the Council can provide support including:

- 'Safe Leave' of up to a maximum of 10 days per leave year (pro rated). See Section 7;
- Referral to Occupational Health and Employee Counselling;
- Considering any safety implications if the employee is a lone-worker, mobile worker or works from home.
- Additional security measures, where possible, at the entrance of the employee's workplace to protect both the individual concerned and their colleagues as and where appropriate;
- Agreeing appropriate contact arrangements and emergency contact details;
- Seeking advice from HR & OD.

6.2.4 **Appendix 2** highlights other local and national support that can be accessed, and managers should discuss and sign post employees where appropriate.

6.2.5 Regular contact should be maintained with the employee and support measures put in place should be reviewed to establish if they are effective or if any alternative measures are required.

6.2.6 Some employees who experience domestic abuse will feel unable to accept help. Managers should encourage but not force an employee to disclose abuse or to follow a course of action they are uncomfortable with. Employees have the right not to disclose and this must be respected. No employee should feel pressurised into sharing this information if they do not wish to do so. Any disclosure must be treated in the strictest confidence.

- 6.2.7 Where an employee discloses experience of domestic abuse during procedures in relation to performance or absence, this should be considered. Discussion should take place with HR & OD and if it is felt that the issue can be resolved by addressing the support/safety needs of the employee, then the process may be suspended.

7. Safe Leave

- 7.1 Employees who experience domestic abuse can request up to 10 days paid Safe Leave per leave year (pro rated) under the Council's Special Leave Policy to seek help and support for themselves and their families. The leave allows employees to:
- Attend medical appointments and counselling;
 - Attend legal proceedings;
 - Seek safe housing;
 - Visit legal advisors or support agencies, for re-housing or re organising childcare, or for other relevant appointments;
 - Liaise with the Police and other support organisations.
- 7.2 Safe leave may be taken as a block of up to 10 days or as intermittent periods of absence, based on the needs of the employee. Unpaid special leave may also be granted at a line manager's discretion.
- 7.3 Supporting documentation may be requested at the time of approving Safe Leave. This may be from a health care professional, the Police and/or relevant support agencies as appropriate. Any request such as this, must also take account of the sensitive nature of the request and confidentiality.

8. Employees who are perpetrators of domestic abuse

- 8.1 Where the Council has received information sufficient to believe that an employee has perpetrated domestic abuse and the allegations are considered to fundamentally affect that employee's suitability for the post which they hold with the Council, this will be taken seriously, and further information will be attained through an investigation where appropriate. Depending on the outcome of the investigation, the Council's Disciplinary Procedures may be invoked.
- 8.2 Where the victim and the perpetrator are both employees of the Council and work in the same location or near each other, consideration may have to be given to redeployment to ensure the safety and well-being of the victim. There may also be occasions where bail restrictions placed on the perpetrator, such as a restraining order, requires them to be moved to a different location. Before any such action is taken managers should discuss this with HR & OD.

9. Learning and Development

- 9.1 Training for managers and employees is available to help raise awareness of domestic abuse and to signpost to relevant support within the Council and from external organisations. Advice and guidance are available from HR & OD.

10. Confidentiality

- 10.1 Information relating to disclosures and/or cases of domestic abuse should be recorded, maintained and processed confidentially and securely by the relevant Service, HR & OD and relevant partners as appropriate and will be used only to monitor the effectiveness of this policy.
- 10.2 Information processed may include paper or electronic records and will be done so in line with the General Data Protection Regulation (Regulation EU 2016/679) ("GDPR"), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications) and any legislation that, in respect of the United Kingdom, replaces, or enacts into domestic law, GDPR or any other law relating to data protection, the processing of personal data and privacy as a consequence of the United Kingdom leaving the European Union.

11. Equality and Human Rights Impact Assessment

- 11.1 This policy has been impact assessed in line with the Council's obligation to comply with the Equality Act 2010 and the Public Sector Equality Duty.

12. Monitoring and review

- 12.1 This policy will be reviewed regularly and in line with any legislative and organisational changes. The recognised trade unions will be consulted on any future changes to this policy.

Revision 1, October 2018

Zero Tolerance Policy around Domestic Abuse

We are committed to supporting our employees and service users who are affected by any form of Gender Based Violence including Domestic and Sexual Abuse.

We will ensure our employees and service users are provided with access to appropriate support and guidance in the strictest of confidence.

We expect our employees to treat both colleagues and service users affected with respect and understanding.

We will do everything we can to prevent the stalking and harassment of our employees whether by a colleague, family member or another within their work place

We will provide guidance to all managers on appropriate, safe and sensitive responses to employees who disclose they are victims of abuse

Thank you for your co-operation.



Sandra Black
Chief Executive

Appendix 2**Domestic Abuse Support Organisations**

Organisations supporting Women, Children and Young People		
Name	Description	Contact Details
Women and Children First	Provides a range of support services to women and children who experience rape, sexual assault, physical abuse and harassment whether at home or in the wider community.	Tel: 0300 300 0345 Website: women.sw@renfrewshire.gov.uk
Women's Aid (Paisley)	Provide advice, support, information and safe accommodation for women, children and young people affected by domestic abuse in Renfrewshire.	Tel: 0800 025 7603 Website: www.renfrewshirewomensaid.co.uk
Scottish Women's Aid	Women's Aid can offer advice and support to any women experiencing domestic abuse. The national office can provide contact detail for your local Women's Aid group.	Tel: 0131 226 6606 / 0800 027 1234 Website: http://womensaid.scot
Victim Support Renfrewshire (Paisley)	Provides support and information services to victims and witnesses of a crime.	Helpline: 0800 160 1985 Tel: 0141 887 0328 Website: https://www.victimsupportsco.org.uk

Scottish Women's Right Centre	The Scottish Women's Right Centre can offer legal advice and information to women in Scotland who are affected by any aspect by any aspect of gender-based violence.	Helpline: 08088 010 789 Tel: 0141 3314183 Website: www.scottishwomenrightscentre.org.uk
Scotland's Domestic Abuse and Forced Marriage Helpline	Scotland's Domestic Abuse and Forced Marriage Helpline is available 24 hours a day and can provide confidential information and support by telephone or by email to anyone affected by domestic abuse. Information on the website is available in different languages.	Tel: 0800 027 1234 Email: helpline@sdafmh.org.uk Website: http://sdafmh.org.uk
Refuge	Specialist domestic violence services supporting women and children.	Helpline: 0808 2000 247 Website: www.refuse.org.uk
National Domestic Violence Helpline	Run in partnership with Women's Aid and Refugee, open 24 hours	Tel: 0808 2000 247
The National Centre for Domestic Violence (NCDV)	The centre provides a free, fast emergency injunction service to survivors of domestic violence. They work in close partnership with the police and support agencies to help survivors to obtain speedy protection.	Tel: 0800 970 2070/0207 186 8270 Website: www.ncdv.org.uk

AVA (Against Violence & Abuse)	Support for survivors of domestic abuse.	Helpline: 020 37525535 Website: www.avaproject.org.uk
Get Connected	Free confidential help including on issues of abuse and violence, for young people aged under 25.	Tel: 0808 808 4994 Website: www.getconnected.org.uk
Organisations supporting Asian, Black and Minority Ethnic		
Name	Description	Contact Details
Hermat Gryffe Women's Aid	Support for Asian, Black and Minority Ethnic women supporting from Domestic Abuse.	Tel: 0141 353 0859 Website: www.hematgryffe.org.uk
Shakti Women's Aid	Support for black minority ethnic (BME) women, children and young people who are experiencing, or who have experienced, domestic abuse.	Tel: 0131 475 2399 Website: www.shakiedinburgh.co.uk
Karma Nirvana	Provides support to victims and survivors of domestic abuse, force marriages and honour-based abuse.	Tel: 0800 5999 247 Website: www.karmanirvana.org.uk
Southall Black Sisters	Set up to meet the needs of Black (Asian and African-Caribbean) and minority ethnic women.	Helpline: 0208 571 0800 Website: www.southallblacksisters.org.uk

FORWARD	FORWARD is a leading African Disapora women's campaign and support organisation committed to gender equality and safeguarding the rights of African girls and women.	Tel: 020 8960 4000 Website: www.forwarduk.org.uk
Muslim Community Helpline	The Muslim Community Helpline is a national organisation for women, men, youth and children.	Tel: 0208 904 8193/6715 Website: www.muslimcommunityhelpline.org.uk
The Kiran Project	The Kiran Project meets the needs of women and children in the Asian community experiencing domestic violence and abuse.	Tel: 020 8558 1986 Website: www.kiranproject.org.uk
The Chinese Information and Advice Centre (CIAC)	CIAC provides free legal advice and support to disadvantaged Chinese people living in the UK. This includes supporting women and children who are victims, or at risk of domestic violence.	Tel: 0300 201 1868 Website: www.ciac.co.uk
Jewish Women's Aid	Support Jewish women affected by domestic violence.	Helpline: 0808 801 0500 Website: www.jwa.org.uk

JAN Trust	The JAN Trust is committed to combating poverty, discrimination, abuse and social exclusion among women who are Black, Asian, ethnic minority, refugees or asylum seekers.	Tel: 0208 889 9433 Website: http://jantrust.org
Latin American Women's Aid	A UK charity that supports Latin American and other Black and ethnic minority women and children experiencing domestic violence to start a new life and play a fuller role in the community.	Tel: 020 777 50321 Website: www.lawadv.org.uk
Organisations supporting LGBT people		
Name	Description	Contact Details
Galop	Galop provides advice and support to people who have experienced biphobia, homophobia, transphobia, sexual violence or domestic abuse.	Helpline: 0300 999 5428 Tel: 0800 999 5428 Website: www.galop.org.uk
The LGBT Domestic Abuse Project	The LGBT Domestic Abuse Project provides information for LGBT people and their friends and family about domestic abuse.	Tel: 0141 548 8121 Email: info@lgbtdomesticabuse.org.uk Website: http://www.lgbtdomesticabuse.org.uk/

Broken Rainbow UK	Broken Rainbow UK provide a national lesbian, gay, bisexual and transgender domestic abuse helpline providing confidential support to all members of LGBT communities, their family and friends.	<p>Tel: 0300 999 5428</p> <p>Email: help@brokenrainbow.org.uk</p> <p>Website: www.brokenrainbow.org.uk</p>
Organisations supporting men who have or are experiencing domestic abuse		
Name	Description	Contact Details
Abused Men in Scotland (AMIS)	Abused Men in Scotland provides information and support for any man over 16 in Scotland who is, or has been, a victim of domestic abuse. It operates a confidential helpline.	<p>Helpline: 0808 800 0024</p> <p>Tel: 0131 447 7449</p> <p>Email: contact@amis.org.uk/info@amis.org.uk</p> <p>Website: www.abusedmeninscotland.org</p>
Men's Advice Line	The Men's Advice Line is a UK-wide confidential helpline for all men experiencing domestic abuse by a current or ex-partner.	<p>Helpline: 0808 801 0327</p> <p>Email: info@mensadviceline.org.uk</p> <p>Website: www.mensadviceline.org.uk</p>
White Ribbon Campaign	This campaign is the largest effort in the world of men working to end men's violence against women. It is an educational organisation, encouraging reflection and discussion that leads to personal and collective action among men.	<p>Website: www.whiteribboncampaign.co.uk</p>

Survivors UK Ltd	Survivors UK is a national helpline for men who have been victims of rape or sexual abuse.	Helpline: 0845 122 1201 Email: info@survivorsuk.org Website: www.survivorsuk.org
Organisations to support people who are abusive and want help to stop		
Name	Description	Contact Details
Respect	Respect provides information and advice for people who are abusive towards their partners and want help to stop.	Helpline: 0845 122 1201 Email: info@respectphoneline.org.uk Website: www.respectphoneline.org.uk
Everyman Project	UK wide helpline which offers advice to anyone worried about their own violent or abusive behaviour.	Helpline: 0207 263 8884 Email: everymanproject@btopenworld.com Website: www.everymanproject.co.uk
Other Support Services		
Name	Description	Contact Details
Rape Crisis Scotland	Rape Crisis Scotland provides a national rape crisis helpline and email support for anyone affected by sexual violence, no matter when or how it happened.	Helpline: 08088 000014 Tel: 0141 331 4180 Website: www.rapecrisisscotland.org.uk

Disclosure Scheme for Domestic Abuse Scotland	The Disclosure Scheme for Domestic Abuse Scotland (also known as Clare's Law) enables the police to share relevant information about a partner's abusive past with a potential victim.	Website: www.scotland.police.uk
Samaritans Scotland	Samaritans is a unique charity dedicated to reducing feelings of isolation and disconnection that can lead to suicide.	Tel: 116 123 Website: www.samaritan.org
Scotland Crimestoppers	Gives people the power to speak up and stop crime.	Tel: 0800 555 111 Website: www.crimestoppers-uk.org/campaigns-media/community/scotland
National Stalking Helpline	The National Stalking Helpline can provide advice on how to deal with any type of stalking behaviour. This includes advice about how to report the behaviour to the police and what you can expect if you report an incident.	Helpline: 0300 636 0300 Email: advice@stalkinghelpline.org Website: www.stalkinghelpline.org
Scared of Someone	Information website run by UK charity, Network for Surviving Stalking.	Website: www.scaredofsomeone.org