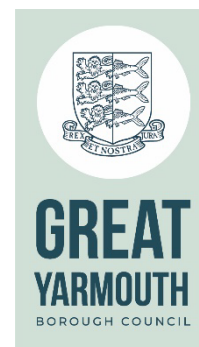


CABINET



URN: URN 23-183

Report Title: Domestic Abuse Policy - Update

Report to: CABINET

Date of meeting: ELT – 15th November 2023
Cabinet – 4th December 2023

Responsible Cabinet Member: Councillor Carl Smith

Responsible Director/Officer: Paula Boyce, Executive Director – People
Sarah Tate, Head of Organisational Development

Is this a key decision? No

Date added to Forward Plan of Key Decisions if a Key Decision: N/a

EXECUTIVE SUMMARY / INTRODUCTION

This report provides members with updates to the Council’s Domestic Abuse Policies: a new ‘Domestic Abuse Policy’ and a ‘Domestic Abuse Policy for Staff and Members’.

The review of these Policies (every 3 years) ensures the Council complies with current and up to date legislation. Their review at this time supports the Council’s ambition to become accredited as an organisation with the national Domestic Abuse Housing Alliance (DAHA).

RECOMMENDATIONS:

That Cabinet:

- (a) Agrees the Domestic Abuse Policy 2023.
- (b) Agrees the Domestic Abuse - Staff & Members Policy 2023 as amended and updated.
- (c) Delegated authority to the Executive Director – People and Head of Organisational Development to make minor and/or consequential amendments to the Policies for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions, updating it in accordance with changes in legislation, and/or caselaw, and/or learning from serious case reviews and domestic homicide reviews.

1. INTRODUCTION

- 1.1 Great Yarmouth Borough Council has a duty to safeguard, support and protect people from Domestic Abuse. The Policies being presented for members’ approval in this report ensure that the Council fulfils its legal duties, raises awareness of and takes consistent and effective action to protect those impacted by Domestic Abuse.

- 1.2 The Policies (Appendix 1 and Appendix 2) set out how Great Yarmouth Borough Council will safeguard and support staff coming into contact with Domestic Abuse and support residents/people dealing with Domestic Abuse incidents; both the victims and perpetrators of abuse. Both policies accord with national best practice.
- 1.3 Domestic abuse can destroy lives, leaving physical and emotional scars. Those experiencing domestic abuse can find themselves isolated from friends and family and lose their independence. It can take many forms, not just physical abuse; it can also be financial, emotional and psychological.
- 1.4 Domestic abuse has an impact at work as well as at home. Research shows that a high proportion of those enduring domestic abuse are targeted at work. Domestic abuse can negatively affect those abused as well as their workplace colleagues. However, importantly, the workplace can often be one of the few places that a person experiencing abuse can be separate from their abuser, and therefore can be the place where people are able to ask for and access support.
- 1.5 According to the CIPD research shows that 75% of those enduring domestic abuse are targeted at work and the abuse can negatively affect those abused as well as workplace colleagues around them.
- 1.6 According to research by the TUC, of those who had experienced domestic abuse, over 40% were prevented from getting to work by their abuser, most commonly through physical violence or restraint (72%) followed by threats (68%). Domestic abuse can negatively affect those being abused while they are at work, as well as workplace colleagues around them. For example:
 - An employee can experience domestic abuse while they are at work through threatening phone calls and emails.
 - An employee may experience abuse when travelling to and from work.
 - Domestic abuse can affect an employee's performance, attendance, career prospects and job security.
 - Colleagues can experience threatening or intimidating behaviour from the perpetrator.
- 1.7 However, importantly, the workplace can also be one of the few places that a person experiencing abuse can be separate from their abuser. Therefore, it can be the place where someone can ask for support and access information.

2. PURPOSE OF THE PROPOSED POLICIES

- 2.1 **Domestic Abuse Policy 2023** – the first policy supports people, in the borough and beyond. It sets out the Council's commitment to highlighting the issue, its processes for supporting victims and perpetrators of domestic abuse, and how it will work with relevant external partner agencies to eradicate Domestic Abuse.
- 2.2 **Domestic Abuse Policy for Staff and Members 2023** - has been developed which aims to demonstrate our commitment to employees and members to provide information about where and how to access support and information. This new policy strengthens the Council's commitment to those who come into contact with Domestic Abuse. The policy subsumes and replaces the previous Domestic Abuse Workplace Policy 2017.

- 2.3 The policies have been thoroughly reviewed and updated by HR and has been through the consultation process with ELT, UNISON and JCWG. Feedback has been positive and only minor amendments were made to the draft policy. UNISON and the JCWG, independently provided very similar feedback.
- 2.4 With funding support from Norfolk County Council, the Council has committed to become a Domestic Abuse Housing Alliance (DAHA) accredited organisation in 2023/24. These policies forms part of the evidence base for that accreditation.
- 2.5 Subject to members approval, the policies will be published on the Council’s website and made available to staff and member via the Council’s intranet site (The Loop). Domestic Abuse training for the roles identified in both policies will be provided as and when required as part of the DAHA accreditation preparations.

3. FINANCIAL & RISK IMPLICATIONS

- 3.1 Training required for the Council’s Domestic Abuse Champions and DAHA accreditation is being funded by Norfolk CC. The duties and responsibilities of undertaking Domestic Abuse awareness raising and support will be undertaken within existing roles.
- 3.2 The current policies are out of date and in need of revision. The risk of not approving the policies is that the Council continues to work with outdated policy which is not fit for purpose.

4. LEGAL IMPLICATIONS

- 4.1 The revised policies are compliant with all relevant employment legislation, ACAS guidance and case law, the Council’s safeguarding duties, and the Domestic Abuse Act 2021.

5. Background Papers

- Appendix 1 – Domestic Abuse Policy 2023
- Appendix 2 – Domestic Abuse Policy – Staff & Members 2023

Consultations	Comment
Monitoring Officer Consultation:	As part of ELT
Section 151 Officer Consultation:	As part of ELT
Existing Council Policies:	Safeguarding Policy 2023 Domestic Abuse Workplace Policy 2017 (subsumed)
Equality Issues/EQIA assessment:	Considered



Domestic Abuse Policy

Date of Policy	November 2023
Owner of Policy	Housing Options Domestic Abuse Adviser
Ratified by	Cabinet – 4 December 2023
Review Date	December 2026 (or as legislation requires)

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1. Introduction

- 1.1 This policy sets out how Great Yarmouth Borough Council (The Council) will assist and support any person who approaches the organisation experiencing or threatened with domestic abuse from either within or outside of the borough.
- 1.2 The Council is committed to ensure everyone who approaches us affected by domestic abuse will be dealt with in a sympathetic, sensitive manner and treated in a non-judgmental way.
- 1.3 The Council recognises many victims of domestic abuse will not approach agencies for months or even years and it can take many incidents before they seek support. The Council believes that each incident of domestic abuse including the first is a serious offence. The Council will work with those who are experiencing domestic abuse for the first time through to those who have suffered repeatedly.
- 1.4 The Council is part of the Norfolk Domestic Abuse Partnership Board which consists of other key agencies in the county of Norfolk to offer support and information to survivors of domestic abuse.
- 1.5 The Council is working towards DAHA (Domestic Abuse Housing Alliance) Accreditation in 2023/24.
- 1.6 The Council also has a policy for any staff and elected members that may be experiencing domestic abuse, this can be found on the Council's intranet page.
- 1.7 Individual residents experiencing domestic abuse do not have to have a local connection to an area, they have the right to apply to any authority. It is the council's duty to investigate the case on an individual basis.
- 1.8 This policy should be read alongside the Council's Safeguarding Policy, Anti-Social Behaviour Policy and the Data Protection Policy.

2. Aims & Objectives

- 2.1 This Policy:
 - Commits the Council to support anyone who approaches Great Yarmouth Borough Council. No one should live in fear of violence, abuse, or harassment from a partner, ex-partner or any member of their family.
 - Embeds across the Council a culture where all disclosures of domestic abuse are taken seriously and treated in a non-judgemental way and assistance is given as a priority.
 - Ensures that all staff across the Council have the skills and knowledge to be able to identify signs of domestic abuse and be able to be act at the earliest opportunity.
 - Raises awareness among members of the public about how to make appropriate safeguarding referrals if it is believed a child or vulnerable adult is at risk of domestic

abuse.

- Complies with legislation and recognises children as victims of domestic abuse in their own right.
- Ensures the Council works in partnership with other agencies to support anyone who approaches the Council and is experiencing or has experienced abuse to seek help.
- Supports victims to be able to make their own decisions around their housing need and ensure the safety of the victim is always paramount.
- Ensures that victims from every background regardless of their identity; gender; age; race; religion; class; or disability are treated as equals.
- Works in partnership with the appropriate agencies and with perpetrators of domestic abuse who want to change their behaviour.
- Raises awareness and understanding around domestic abuse across the whole of the Council.

3. Related Legislations and Documents

3.1 Related Legislations include:

- Domestic Abuse Act (2021)
- Anti-Social Behaviour, Crime & Policing Act (2014)
- Children Act 1989 as amended 2004
- Clare's Law/Domestic Abuse Offender Disclosure Scheme (DVDS) (2014)
- Data Protection Act (2018)
- Domestic Violence, Crime and Victims Act (2004)
- Equality Act (2010)
- Family Law Act (1996)
- Female Genital Mutilation Act (2003)
- Forced Marriage (Civil Protection) Act (2007)
- Homelessness Act (2002)
- Housing Act (1988, 1996)
- Human Rights Act 1998
- Police & Justice Act 2006
- Protection of Freedoms Act 2012
- Serious Crime Act 2015
- Stalking Protection Act (2019)

3.2 Related Documents include:

- GYBC Safeguarding Policy 2023
- GYBC Domestic Abuse Policy – Staff & Members 2023
- Norfolk Domestic Abuse Housing Protocol 2022 - 2025
- GYBC Anti-Social Behaviour Policy 2018

4. Definition of Domestic Abuse

- 4.1 Domestic abuse can begin at any stage of a relationship and may continue after the relationship has ended. Domestic abuse does not discriminate and can affect anyone regardless of their gender; ethnicity; religion; class; age; sexuality; disability or lifestyle.
- 4.2 Domestic abuse is a criminal offence and the Council encourage people to report it to the police, whether they are the victim of abuse or witness abuse.
- 4.3 The Statutory definition of domestic abuse as defined by the Domestic Abuse Act 2021:

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

(1) A and B are each aged 16 or over and are personally connected to each other, and

(2) Behaviour is abusive, and it does not matter whether the behaviour consists of a single incident or a course of conduct.

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

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

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

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

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

4.4 What we mean by ‘Personally Connected’

(1) Two people are ‘personally connected’ to each other if any of the following applies:

- (a) they are or have been married to each other*
- (b) they are or have been civil partners of each other*
- (c) they have agreed to marry one another (whether or not the agreement has been terminated)*
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated)*
- (e) they are, or have been, in an intimate personal relationship with each other*

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

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

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

In this section:

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

4.5 Children as Victims of Domestic Abuse

(1) Any reference in the Domestic Abuse Act 2021 to a victim of domestic abuse includes a reference to a child who:

- (a) sees or hears, or experiences the effect of, the abuse, and
- (b) is related to A or B.

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

- (a) the person is a parent of, or has parental responsibility for, the child, or
- (b) the child and the person are relatives

(3) In this section:

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

5. Types of Domestic Abuse

5.1 Domestic Abuse can take on many forms not just physical or mental abuse:

- Sexual Abuse - rape or forcing a victim into taking part in other forms of sexual acts, sexual abuse of children.
- Psychological and Emotional abuse –including isolating the victim, for example preventing them from seeing friends or family; using threats to kill their family; children or pets. This also includes humiliating their victim and telling them no one would believe them if they tried telling people what was happening.

- Economic Abuse - controlling money and bank accounts, running up debts in victims name, preventing a person from working.
- Online and Digital Abuse - sharing information or photos without consent.
- Honour Based Violence - offences carried out to protect the perceived honour of a family or a community. This abuse is often carried out by family members. This includes forced marriages.
- Female Genital Mutilation (FGM) - Partial or total loss of external female genitalia for non-medical reasons.
- Controlling Behaviour - Range of acts designed to make a person subordinate and or dependent by isolating them from sources of support. Exploiting their resources; capacities for personal gain; depriving them of the means needed for independence; resistance; escape and regulating their everyday behaviour.
- Coercive Behaviour - Act or pattern of acts of assault; threats; humiliation and intimidation or other abuse that is used to harm; punish or frighten their victim.

6. Council Advice and Services

6.1 The Council is the largest landlord in the borough. Through provisioning a homelessness support, housing advice and other inter-related customer-facing services, the Council's staff can provide the following support:

- DASH Assessments (Domestic Abuse, Stalking, Harassment and Honour Based Violence Assessment) - Completed with every individual who approaches the Council to ascertain the level of risk to the individual.
- Safe Home Scheme – Refer persons at risk and survivors to our 'Sanctuary Scheme' to consider target hardening measures on the property to support them to remain in the home.
- Accommodation - Provide emergency accommodation if resident unable to stay in their home.
- Support – Report safeguarding concerns and provide referrals to refuge spaces and liaise other agencies/charities to provide support where required.
- Safeguarding - Reports of safeguarding will be completed as per the GYBC Safeguarding Policy 2023.

7. Awareness and Prevention

7.1 Within our organisation we have staff and elected members who have received specialist

training as Domestic Abuse Champions. As part of this role, they offer support and advice to colleagues in relation to good practice and to ensure staff know how to access support.

- 7.2 As a Council we are committed to raising awareness of domestic violence and encourage anyone that is experiencing it to engage with support services.

8. Perpetrator Accountability

- 8.1 We understand that perpetrators of Domestic Abuse may approach the council for help with homelessness advice. The Council can be approached for help by calling 01493 846140. In this scenario, the caller will be assisted to find alternative accommodation. However, they may be disqualified from joining the Council Allocation scheme if they are the proven perpetrator of Domestic Abuse. For more information, please see the Councils Allocation Scheme: (<https://www.great-yarmouth.gov.uk/ineedsomewheretolive>)
- 8.2 Being a perpetrator does not exclude a person from Statutory Homeless Duties owed to them.
- 8.3 If a perpetrator of Domestic Abuse approaches the Council wanting help to address their behaviour, we will signpost the individual to the appropriate services.

9. Multi-Agency Working

- 9.1 The Council recognises that when an individual is experiencing domestic abuse many other agencies may be involved in their care. To understand the needs of the individual officers will work closely with Great Yarmouth's Community Hub, which is a collaboration hub with other agencies to develop an agreed support plan. Staff also participate in the Domestic Abuse and Sexual Violence Partnership Group (DASVG) and Norfolk Domestic Abuse Partnership Board.
- 9.1 Agencies working through the Community Hub include:
- Police
 - Specialist domestic abuse services (NIDAS or Leeway)
 - Independent Domestic Violence Advisers (IDVA)
 - Adult Social Services
 - Children's Services
 - Mental Health
 - Doctors
 - Schools/Colleges
 - Legal Advisory Services
 - Registered Providers
 - Other Councils
- 9.2 MARAC (The Multi Agency Risk Assessment Co-ordination) assess and provide detailed

support plans for the most serious cases where persons are either at risk of or experienced domestic abuse. All victims who scores high on a DASH Assessment they will be referred to MARAC.

9.3 Referrals to MARAC can be made with or without consent. Referrals made without consent will be made to protect the victim and their family from potentially serious harm.

9.4 On a regular basis staff members from the homeless department attend various partnership boards.

10. DAHA Values and Principles

10.1 The Domestic Abuse Housing Alliance (DAHA) aim to improve the response of the housing sector to domestic abuse through the introduction and adoption of a standards of good practice, and through undertaking an accreditation process.

10.2 Great Yarmouth Borough Council is committed to gaining accreditation for the Council as a whole in 2023/24. See Appendix A for DAHA Priority Areas and Values.

11. Confidentiality

11.1 Disclosures of Domestic Abuse will be treated in the strictest of confidence, however the Council have a duty to disclose information in the following circumstances:

- To protect the victim.
- To prevent harm to someone else.
- To prevent or detect a crime.

12. Equality and Diversity

12.1 Great Yarmouth Borough Council is committed to:

- Meeting the needs and choices of people from all backgrounds.
- Understanding the cultural implications and barriers to reporting domestic abuse.
- Ensuring services are accessible to everyone.

12.2 To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed.

12.3 The Council's commitment to ensure equality, diversity and inclusion can be found in the Equality, Diversity, and Inclusion Strategy 2022 - 2025.

13. Review

- 13.1 This policy will be reviewed every 3 years or sooner if there are changes in legislation. This policy will be reviewed in line with organisational procedures unless there are changes in related legislation, best practice or other organisation policies impact on its effectiveness. Reviews of this Policy may be informed by feedback including from staff and residents with lived experience, Domestic Homicide Reviews and Serious Case Reviews.

14. Data Protection

- 14.1 The Council processes any personal data collected during the capability (performance) procedure in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the capability (performance) procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

15. Useful Contacts

NIDAS (Norfolk Integrated Domestic Abuse Service) - www.nidasnorfolk.co.uk

Leeway (male and female Domestic Abuse service) – www.leewaysupport.org

Mankind Initiative (Men's domestic abuse service) – www.mankind.org.uk

Sue Lambert Trust (sexual assault) - www.suelamberttrust.org

The Harbour Centre – www.theharbourcentre.co.uk

Norfolk and Suffolk Victim Care – www.nsvictimcare.org

Women's Aid – www.womensaid.org.uk

GALOP (LGBT and victims and survivors of abuse and violence) – www.galop.org.uk

Norfolk LGBT PLUS Project – www.norfolklgbtproject.org.uk

Karma Nirvana (Honour Based Abuse) - www.karmanirvana.org.uk

Sign Health (deaf hearing charity) – www.signhealth.org.uk

Respect (working with male victims, perpetrators) – www.mensadvice.org.uk

Loving Me (Trans and Non-Binary) - www.lovingme.uk

Paladin (national stalking advocacy service) – www.paladinservice.co.uk

Domestic Abuse Housing Alliance (DAHA) Priority Areas and Values

1.1 DAHA consists of 8 different priority areas:

- Policies and Procedures.
- Staff Development and Support.
- Partnership and Collaboration.
- Safety-led Case management.
- Survivor led support.
- Intersectional and anti-racist practice.
- Perpetrator Accountability.
- Publicity and Awareness raising.

1.2 DAHA values:

- Integrity
- Collaboration
- Empathy
- Empowerment
- Respect
- Accountability
- Non-judgement and belief
- Being person centred
- Amplifying victim/survivor voice
- Victim/survivor safety
- Working towards a Coordinated community response (CCR)



Domestic Abuse Policy - Staff & Members

Author	Head of Organisational & Development
Version No.	2
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Introduction

Great Yarmouth Borough Council recognises that its employees will be amongst those affected by domestic abuse; for example, as a survivor of domestic abuse, an individual who is currently living with domestic abuse, someone who has been impacted upon by domestic abuse or as an individual who perpetrates domestic abuse.

Organisational Values and Principles Related to a Domestic Abuse Response

We are committed to developing a workplace culture in which there is zero tolerance for abuse, and which recognises that the responsibility for domestic abuse lies with the perpetrator. The Council has a 'zero tolerance' position on domestic abuse and is committed to ensuring that any employee who is the victim of domestic abuse has the right to raise the issue with their employer in the knowledge that they will 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. The organisational values and principles we follow in respect of cases of domestic abuse are:

- Integrity
- Collaboration
- Empathy
- Empowerment
- Respect
- Accountability
- Non-judgement and belief
- Being person centred
- Amplifying victim/survivor voice
- Victim/survivor safety
- Working towards a Co-ordinated Community Response (CCR)

By developing an effective domestic abuse policy and working to reduce the risks related to domestic abuse, we will create a safer workplace and we will also send out a strong message that domestic abuse is unacceptable.

The Council recognises that domestic abuse is an equalities issue and undertakes to not discriminate against anyone who has been subjected to domestic abuse in terms of current employment or future development.

This policy is part of the Council's commitment to wellbeing and seeks to benefit the welfare of individual members of staff; retain valued employees; improve morale and performance; and enhance the reputation of the Council as an employer of choice.

Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1992), the Council recognises its legal responsibilities in promoting the welfare and safety of all staff. Therefore, this policy applies to staff across all sites as well as agency and contract staff (and elected members).

We will safely and confidentially record information about the support which has been offered to employees and referrals, for example to Occupational Health (with employee consent) on their personal file, which is held by HR.

Employee Assistance Programme – provided by Norfolk Support Line

Employees have free confidential access to telephone support 24/7, 365 days a year to the Norfolk Support Line, including face to face and virtual counselling, self-help workbooks and podcasts and blogs. They provide a range of information and signposting for practical support for problems at work and at home. To access the service call 0800 169 7676, or go to the [Norfolk Support Line](#) website.

Meaning of ‘Domestic Abuse’

Domestic abuse is: any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: 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 for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: 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.” This definition includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Statutory Definitions:

The Statutory Definition of Domestic Abuse as Defined by the Domestic Abuse Act 2021:

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

- (1) A and B are each aged 16 or over and are personally connected to each other, and
- (2) the behaviour is abusive
- (3) Behaviour is “abusive” if it consists of any of the following:
 - (a) physical or sexual abuse.
 - (b) violent or threatening behaviour.
 - (c) controlling or coercive behaviour.
 - (d) economic abuse (see subsection (4)).
 - (e) psychological, emotional, or other abuse.

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

- (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to –
 - (a) acquire, use or maintain money or other property, or
 - (b) obtain goods or services.

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

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

- (7) For the meaning of “personally connected”:

Section 2: Definition of 'Personally Connected'

(1) Two people are 'personally connected' to each other if any of the following applies:

- (a) they are, or have been, married to each other
- (b) they are, or have been, civil partners of each other
- (c) they have agreed to marry one another (whether or not the agreement has been terminated)
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated)
- (e) they are, or have been, in an intimate personal relationship with each other
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2))
- (g) they are relatives.

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

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

In this section:

'child' means a person under the age of 18 years.

'civil partnership agreement' has the meaning given by section 73 of the Civil Partnership Act 2004

'parental responsibility' has the same meaning as in the Children Act 1989

'relative' has the meaning given by section 63 (1) of the Family Law Act 1996.

Section 3: Children as Victims of Domestic Abuse

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

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

- (a) sees or hears, or experiences the effect of, the abuse, and
- (b) is related to A or B.

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

- (a) the person is a parent of, or has parental responsibility for, the child, or
- (b) the child and the person are relatives

(4) In this section:

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

Identification of the Problem

Whilst it is for the individual themselves to recognise they are a victim of domestic abuse, there are signs which may indicate an employee may be a victim. These may include:

- The member of staff may confide in their colleagues/manager.
- Staff may inform their manager that a colleague is suffering from domestic abuse.
- There may be obvious effects of physical abuse (it is important not to make assumptions).
- It may come to light as a result of enquiries into a drop in performance or a significant change in behaviour.
- It may reveal itself as the background to poor attendance.

It is essential to understand that any of the above may arise from a range of circumstances of which domestic abuse may be one. Managers/ Supervisors who support staff in such matters should address the issue positively and sympathetically ensuring that the employee is aware that support and assistance can be provided.

The Council respects employees' right to privacy. Whilst the Council strongly encourages victims of domestic abuse to disclose domestic abuse for the safety of themselves and all those in the workplace, it does not force them to share this information if they do not want to.

Confidentiality and Right to Privacy

Employees who disclose experiencing abuse can be assured that the information they provide is confidential and will not ordinarily be shared with other members of staff without their permission.

There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are safeguarding concerns about children or vulnerable adults or where the employer needs to act to protect the safety of employees.

In circumstances where the Council 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 employee why it is doing so and it will seek the employee'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. Confidential records of absences related to domestic abuse may be kept but there will be no adverse impact on the employment records of victims of domestic abuse.

Improper disclosure of information i.e., breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.

Support for Individuals

The Council recognises that developing a life free from abuse is a process not an event and the Council will provide ongoing support for employees who disclose abuse.

The Council and Union/Professional organisation representatives will work together cooperatively to help staff experiencing domestic abuse.

The Council will respond sympathetically, confidentially and effectively to any member of staff who discloses that they are experiencing domestic abuse.

Where domestic abuse has been reported line managers will treat unplanned absences and temporary poor timekeeping sympathetically.

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

- Special paid leave for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.
- Temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role.

- Redeployment or relocation.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including flexible working.
- Access to counselling/support services in paid time.
- Access to courses developed to support female survivors of domestic abuse, for example The Freedom Programme or assertiveness training.

Line managers will respect the right of staff to make their own decision on the course of action at every stage.

Other existing provisions (including occupational health, independent counselling service, others) will also be signposted to staff as a means of support.

Organisational Planning

All employees will be made aware of this policy through a range of methods including induction, training, information on Great Yarmouth Borough Councils intranet (The Loop), corporate communications and posters.

The Council will remind staff of the importance of not divulging personal details of other employees, such as addresses, telephone numbers or shift patterns.

This is paramount when dealing with Honour Based Abuse cases.

Disclosure of Abuse

Staff experiencing domestic abuse may choose to disclose, report to or seek support from a union representative, a line manager, or colleague. Line managers and union representatives will not counsel victims, but offer information, workplace support, and signpost to other organisations.

The Council will respond sympathetically, confidentially and effectively to any member of staff who discloses that they are suffering from domestic abuse. A member of Human Resources trained in domestic abuse issues, will be nominated as an additional confidential contact for staff. This person will also provide guidance for line managers and union representatives who are approached by staff who are being abused.

Training

The Council is committed to ensuring all line managers are aware of domestic abuse and its implications in the workplace. A blend of information, e-learning, briefings or awareness raising sessions will ensure that all managers are able to:

- Identify if an employee is experiencing difficulties because of domestic abuse.
- Respond to disclosure in a sensitive and non-judgemental manner.
- Provide initial support – be clear about available workplace support.
- Discuss how the organisation can contribute to safety planning.
- Signpost to other organisations and sources of support.
- Understand that they are not counsellors.

Great Yarmouth Borough Council supports its staff and members to become volunteer Domestic Abuse Champions as part of their substantive role. In doing so Domestic Abuse Champions receive training from specialist support agencies and support from the corporate Designated Safeguarding Officer group.

The Role of the Domestic Abuse Champion

- Attend the initial training course and any further networking events and refresher training.
- Keep up to date on the different referral pathways and services within your local area.
- Ensure your colleagues know how to contact you for guidance.
- Ensure where possible up to date information is displayed in your work areas.
- Promotes timely and effective information sharing.
- Promotes the ethos of early disclosure and effective response.
- Promotes awareness and understanding of the impact of domestic abuse.
- Advocates for effective support within their agency for staff, volunteers and service users.
- Be aware of the impact of the role & responsibilities on your current job role.

Safety Planning

The Council will prioritise the safety of employees if they make it known that they are experiencing domestic abuse.

When an employee discloses domestic abuse, the Council will encourage its employees to contact a specialist support agency (or suitably trained specialist member of staff) who can undertake a Domestic Abuse Stalking and Harassment (DASH) risk assessment and make appropriate referrals where necessary.

The Council will work with the employee and a specialist agency (with the employee's consent) to identify what actions can be taken to increase their personal safety at work and at home as well as address any risks there may be to colleagues.

If the Victim and the Perpetrator Work in the Same Organisation

In cases where both the victim and the perpetrator of domestic abuse work in the organisation, the Council will take appropriate action.

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

Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties for one or both employees or withdrawing the perpetrators access to certain computer programmes or offices.

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

Perpetrators of Domestic Abuse

Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. The Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds. Employees should report if they suspect a colleague is a perpetrator of abuse.

If an employee approaches the Council about their abusive behaviour, the Council will provide information about the services and support available to them.

The Council 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 supporting change.

The Council views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the Council's Code of Conduct for disciplinary purposes.

The Council's Code of Conduct is intended to inform all staff, irrespective of grade, of the standards of conduct expected of them. It identifies a set of principles governing behaviour by which staff members are expected to abide. Staff members are expected at all times to present high standards of personal integrity and conduct that will not reflect adversely on the Council and its reputation.

In some circumstances it may be deemed inappropriate for the individual to continue in his/her current role(s), due to a caution or conviction. The Council views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the organisation's Code of Conduct for disciplinary purposes.

These procedures can be applicable in cases where an employee has:

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

The Council is committed to ensuring that:

- Allegations will be dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure.
- All employees will receive guidance and support.
- Confidentiality will be maintained and information restricted only to those who have a need-to-know.
- Investigations will be thorough and independent.
- All cases will be dealt with quickly avoiding unnecessary delays.
- All efforts will be made to resolve the matter within 4-6 weeks, although some cases will take longer because of their nature or complexity.

NOTE: 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 for any disciplinary process.
- Advised to contact their union or professional organisation.

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

1. A police investigation of a possible criminal offence.
2. Disciplinary action by the employer.
3. Providing specialist, safety-focused counselling.
4. Identifying risk.
5. Referral to Local Authority regarding risk to general public/vulnerable people.

Any employee who is responsible for giving advice, or who comes into contact with or supports those vulnerable people or children experiencing domestic abuse needs to be particularly aware of the potential consequences if they are found to be perpetrators.

If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones, email or fax machines then they will be seen as having committed a disciplinary offence.

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken.

Professional Role and Risk Management

All organisations should have clear policies in line with those from the Norfolk Safeguarding Children Board for dealing with allegations against people who work with children.

An allegation may relate to a person who works with children who has behaved in a way that has harmed a child, or may have harmed a child:

- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

The Council’s safeguarding Lead, Executive Director – People, acts as the Local Authority Designated Officers (LADO) and will be involved in the management and oversight of individual cases. The role of the LADO provides advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

The Norfolk County Council LADO should also be informed within one working day of all allegations that come to an employer’s attention or that are made directly to the police. The Norfolk CC LADO team can be contacted on 01603 223473.

In relation to vulnerable adults all referrals must be directed to the Safeguarding Coordinator or MASH Team Manager in Norfolk CC Adult Social Care.

Other policies

The following internal policies contain additional information and guidance:

- Sickness Management Policy <https://the-loop.great-yarmouth.gov.uk/sessiontransfer?dest=https%3a%2f%2fwww.great-yarmouth.gov.uk%2fpolicies%2fsickness-management-policy&subsiteid=9>
 - Grievance Policy <https://the-loop.great-yarmouth.gov.uk/policies/grievance>
 - Stress at Work <https://the-loop.great-yarmouth.gov.uk/media/3067/Stress-at-Work-Policy/pdf/stress-at-work-policy.pdf?m=1534164745750>
 - Maternity https://the-loop.great-yarmouth.gov.uk/media/6049/Maternity-Policy/pdf/Maternity_Policy_v2.pdf?m=1614941396540
 - Bullying, Harassment & Discrimination <https://the-loop.great-yarmouth.gov.uk/policies/bullying-harassment-discrimination>
 - Whistleblowing <https://the-loop.great-yarmouth.gov.uk/sessiontransfer?dest=https%3a%2f%2fwww.great-yarmouth.gov.uk%2fpolicies%2fwhistleblowing-policy&subsiteid=>
 - Disciplinary Policy <https://the-loop.great-yarmouth.gov.uk/policies/disciplinary>
- Also see the Domestic Abuse Policy for Residents and Tenants 2023.

Administration of the Policy

HR is responsible for the administration of this policy. Should you have any feedback, please contact hr@great-yarmouth.gov.uk.

This policy will be reviewed in line with organisational procedures unless there are changes in related legislation, best practice or other organisation policies impact on its effectiveness. Reviews of this Policy will also be informed by feedback including from staff, Domestic Homicide Reviews and Serious Case Reviews.

Data Protection

The Council processes any personal data collected during the capability (performance) procedure in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the capability (performance) procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Further guidance

Anyone using this policy to respond to a victim or perpetrator of domestic abuse should refer to further current information provided by:

<https://www.great-yarmouth.gov.uk/domestic-abuse/introduction>

<http://www.leewaysupport.org> <http://www.nscb.norfolk.gov.uk>

www.refuge.org.uk www.respect.uk.net www.womensaid.org.uk

<http://www.nationaldomesticviolencehelpline.org.uk>

Appendix A Contact information for Police, Domestic Abuse Helplines, Childrens Services & Hospitals

Police

Police Emergency Contact Number: 999

Police Non-Emergency Contact Number: 101

Website: www.norfolk.police.uk

Domestic Abuse Helplines

Leeway Domestic Violence Helpline (local) 0300 5610077

<http://www.leewaysupport.org>

National 24-hour Domestic Violence Helpline 0808 2000247

<http://www.nationaldomesticviolencehelpline.org.uk>

Childline 0800 1111

<http://www.childline.org.uk>

Mens Advice Line (for male victims) www.mensadviceline.org.uk 0808 8010327

National Domestic Violence Helpline (Women's Aid) 0808 2000247

<http://www.nationaldomesticviolencehelpline.org.uk>

National Victim Support <http://www.victimsupport.org.uk> 0808 1689111

National Centre for Domestic Violence 08009702070

<http://www.ncdv.org.uk>

For Help TEXT "NCDV" 60777

Samaritans 116 123

Shelterline 0344 515 1860

Crime Stoppers 0800 555111

National Drugs Helpline 0800 5404120

National Help Line for LGBT 0800 9995428

Debtline 0808 8084000

NHS Direct 111

Paladin National Stalking Helpline 020 38664107

Honour Abuse Help lines

Karma Nirvana 0800 5999247

Aanchal (Asian Languages spoken) 08454 512 547

Southall Black Sister 0208 5710800

Ashiana Network (Turkish and South Asian) 0208 5390427

Ikrow (Iranian, Kurdish women's rights organisation) 0207 9206460

Children's Services

Norfolk County Council (Main Switch Board For any Safeguarding concerns) 0344 8008020

Hospitals

Queen Elizabeth Kings Lynn	01553 613613
Norfolk and Norwich University Hospital	01603 286286
James Paget University Hospital, Gorleston	01493 452452
Bury St Edmunds, Suffolk	01284 713000