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Dear Member

CABINET - TUESDAY, 4 FEBRUARY 2020

I am now able to enclose, for consideration at the Tuesday, 4 February 2020 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
11.	Updated Domestic Abuse & Sexual Violence Policy	(Pages 120 - 132)

Yours sincerely

Teresa Buckley
Clerk

are you ok?
ask the question - make a difference

November 2019

Domestic Abuse & Sexual Violence Policy

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Scope

This policy will apply to all Council employees.

1 Equality Statement

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

2 Introduction

This policy supports our work towards a safer community and recognises that as a major employer in the Bay, our employees will be amongst those affected by domestic abuse and sexual violence.

How much of an issue is domestic abuse and sexual violence?

- At least one in four women, one in six men and one in four lesbian, gay, bisexual or transgender people will experience domestic abuse at some point in their lives.
- 30% of domestic abuse cases start in pregnancy.
- In 90 per cent of incidents children are present or in the next room.
- UK Police receive a call for assistance in relation to a domestic abuse incident every minute.
- On average two women in the UK are killed by a partner or ex-partner each week and 30 men per year are killed in the same way.
- Domestic abuse, sexual violence and stalking can happen to anyone of any age, social class, and culture, whatever their sexual orientation, mental or physical ability.
- Anyone could experience some form of sexual violence during their lifetime. Most sexual assaults and rapes are carried out by someone known to the victim.
- **Between April 2018 and March 2019 there were 3712 incidents of domestic abuse reported to the Police in Torbay, and 442 separate sexual offences.**

3 Aims of this Policy

- To send out a **strong message** that domestic abuse, sexual violence and stalking are unacceptable
- To make employees who are experiencing personal safety issues outside of work **aware** that they will be **supported** at work.
- To provide **guidance** to Managers on how to support employees who may be living with domestic abuse at home or whose lives have been affected as a result of sexual violence.
- To increase **awareness** and understanding of domestic abuse, sexual violence and stalking.
- To develop an effective and supportive **response** to personal safety issues being experienced by employees.
- To offer **practical suggestions** and make employees aware of what help and support is available.
- To **reduce the impact** of domestic abuse, sexual violence or stalking on an employee's working life.
- To **reduce the risk** of violence in the workplace as a result of an abusive person entering the building unannounced.

4 Definition

The Home Office definition of 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 to independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or 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.

4.1 Sexual Violence or Abuse

Any sexual encounter without consent, including any unwanted touching or forced sexual activity. Both men and women, whether heterosexual or homosexual, can experience sexual abuse. A perpetrator of sexual abuse may be a stranger but more commonly will be someone the victim knows. Historic sexual abuse can have a long term effect on someone's mental health.

4.2 Stalking

A series of acts which are intended to cause harassment to another person. It involves following the victim, threatening or repeated phone calls, coming to the victim's place of employment, leaving written messages or objects (including unwanted gifts) and vandalising the victim's property.

4.3 Cyber-stalking

The use of the Internet to harass or threaten someone repeatedly. Involving e-mail, harassment in live chat situations, leaving inappropriate messages on message boards or guest books, sending viruses, or electronic identity theft.

5 Support available from the Council

We aim to provide a supportive environment for any employee who is experiencing domestic abuse, sexual abuse or stalking.

As well as this policy, we have other supporting policies available within the council that provide mechanisms for supporting staff in dealing with unwanted or threatening behaviour. These are the **Acceptable Behaviour Policy**, available from **MyView**, and the **Violent, Aggressive and Threatening Behaviour Policy**, available from the intranet

5.1 Responding to issues of abuse or stalking – our policy

Employees who make it known that they are experiencing domestic abuse, stalking or sexual abuse will receive a supportive response; they will not be judged, discriminated against or ridiculed by any other employee.

All employees experiencing personal safety issues will have access to the same degree of support, regardless of race, religion, age, gender, sexuality or disability or whether or not they have children. Managers will not make assumptions about what action is appropriate for individual employees and actions will be discussed and agreed with the employee.

5.2 Confidentiality

Any discussions between the manager and employee will be treated in confidence. However, in some circumstances this confidence will need to be broken in order to protect children or vulnerable adults. The

employee will be advised before informing others. Any information will be provided on a need-to-know basis and will be disclosed in accordance with relevant legislation.

5.3 Counselling

We provide a free, confidential counselling service for all employees. Contact the Counselling Co-ordinator on 01803 207359 or call the service directly in confidence, to make an appointment, Tel: 07798938236

5.4 Additional Support

For many people experiencing domestic abuse, stalking or sexual abuse, the work place is often the only safe place that they can seek help. Where an employee decides to tell their manager about their problems, managers should do all they can to accommodate the employee's needs. An employee may require additional leave, for appointments with a solicitor or a doctor, for example. The flexi-time scheme should be used to accommodate leave wherever possible. If the employee is not able to use the flexi-time scheme and annual leave entitlement has been exhausted, additional leave with or without pay may be granted in special circumstances at the discretion of the Director or Assistant Director. Any requests will be treated sympathetically.

5.5 Post Incident Support

Please refer to the Violent, Aggressive and Threatening Behaviour (VATB) Policy **VATB** for guidance on the support (legal, emotional and financial) and procedures following an incident of VATB towards and employee, in circumstances relating to their work.

Following an incident of violent, aggressive or threatening behaviour including that relating to domestic abuse on Council premises, an Accident/Occurrence form should be completed and forwarded to the Health and Safety Team. It is essential that all significant incidents are reported and recorded, to gather evidence if needed for legal proceedings and to monitor incidents across the Council. For advice on completing the form please seek further advice from the Health and Safety Team on 01803 207161.

6 Security

6.1 Risk Assessment

A **domestic abuse risk assessment** (DASH) should be carried out for an employee experiencing domestic abuse, sexual abuse or stalking. Before completing this form with an employee, the guidance notes should be read through very carefully. In Torbay, anyone who scores 14 or above on the DASH should be referred to the MARAC (see contact details on page 10). If a Line Manager requires support to complete a DASH, Torbay Domestic Abuse Service (TDAS) can be contacted for advice. There is also a Domestic Abuse e-learning module on **iLearn** under the Torbay Safeguarding Children area.

Reasonable additional measures will be taken by managers to protect employees experiencing safety issues while travelling between work and home, whilst at work or when carrying out Council duties, and for any colleagues who may be exposed to additional risk.

6.2 Names in the public domain

All employees should be aware of the information held about them, which may also be available to the public, including:

- Information contained in reference material and notice boards held by the Council.
- Details available on the Website (Data Protection requires employees to be consulted about details to be included).
- E-mail address format i.e. **John.Smith@torbay.gov.uk** - leaves no ambiguity.
- The name used for work purposes, for example it may be preferable to use a professional name.

Managers will ensure that reasonable additional measures are taken to protect personal information (telephone numbers, addresses, working hours) regarding those who are known to be experiencing safety issues outside work.

6.3 Council premises

A perpetrator (the person carrying out the abuse) may try to enter Council premises. In these circumstances managers should ask the perpetrator to leave. If they will not, managers should contact CCTV on 01803 310403 / 07920 275642 (check with Simon Cheetham) who will inform the Police.

It may be possible to change an employee's role and place of work temporarily, if this reduces the level of risk to them. This would need to be agreed.

6.4 Perpetrators

It is generally accepted that there are more men who abuse women than women who abuse men, but anyone can be a perpetrator of domestic abuse including parents, children and abuse within a same sex relationship.

Individuals who are the perpetrators of domestic violence are encouraged to seek support and help from an appropriate source. Information can be gained from **Respect** (0808 802 4040) an advice and information helpline for people who are abusive towards their partners and want help to stop.

If the alleged perpetrator is also one of our employees it may be appropriate to refer to the following policies:

- **Violent, Aggressive and Threatening Behaviour Policy**
 - **Drug and Alcohol Misuse Policy**
 - **Acceptable Behaviour Policy**
 - **Grievance and Disciplinary Procedures**
- These policies are available from MyView, under 'My Documents'.**

7 Guidance for Managers

All staff should have completed the mandatory i-Learn module “Induction to Safeguarding Children and Adults” which can be found in the All Staff area of iLearn. If you feel you need a better understanding of domestic abuse and the impact it has, there are further i-Learn modules available such as: Introduction to Domestic Abuse in the children and Young Peoples Workforce area on iLearn. <http://torbay.learningpool.com/>

Further information on the signs of abuse and what support is available locally and nationally can be found on the [Are You OK](#) website. This will be useful for both you and your member of staff.

Sometimes your own feelings about abuse may make it difficult for you to deal with the situation. It is important to keep yourself safe as well as your staff and if necessary you should seek support for yourself.

If the victim of domestic abuse is a child or vulnerable adult, or if there are concerns that either is living in an environment surrounded by domestic violence, the manager should refer the issue to Children’s Safeguarding or the Police Domestic Abuse Unit. Safeguarding is everyone’s responsibility.

No matter what form of abuse, sexual violence or harassment the employee is experiencing, encourage them to report it to the police. Bear in mind not everyone will be ready to take that step.

7.1 Disclosure

You may be the only person an employee has told about their situation and it will have taken a lot of courage for them to speak up.

- Let them talk freely
- Listen carefully and sympathetically
- Don’t judge
- Let them know you are there for them and that they will be fully supported
- Tell them it is not their fault
- Tell them your conversations will be confidential unless there is a safeguarding concern for a child or children, themselves or another vulnerable adult
- Ask if they wish a colleague to be present

7.2 Assess the risk

- Complete the [DASH Risk Checklist](#) together with the employee (read the guidance before you start).
- If they score 14 or over they should be referred into the MARAC torbaydau@devonandcornwall.pnn.police.uk. Consent is needed unless there is a safeguarding concern (e.g. threat to life).
- Find out if they have left the relationship/moved out/intend to leave. The point of leaving or just after can be the most dangerous time for a victim of domestic abuse.

7.3 Safeguarding arrangements at work

Consider the level of risk (high / medium / low):

- Do they need support getting to and from work?
- Does their job make them more visible / accessible?
- Would they benefit from a temporary change of role / place of work?
- Would it help to alter their working hours?
- Any agreed special arrangements should be recorded and filed confidentially.
- Is there any risk to colleagues that needs to be considered?
- Do you need to make anyone else aware of the situation (e.g. reception or security). The employee will need to agree to information being shared.
- Change telephone extension information so external callers can't be put straight through.
- Consider using a professional name for work purposes / change ID card accordingly
- Consider email access. Could they be targeted by email?
- Any threatening phone calls or emails or contact constituting harassment of any kind should be documented

7.4 Safeguarding arrangements at home

- Advice on safety planning can be found on the Planning to Leave and Planning to Stay sections of the [Are You OK](#) website.
- Further consideration will need to be given to any **children** in the family and how to keep them safe. The above link gives practical advice for your member of staff.

7.5 General

Discuss the support that we can offer:

- Counselling Service
- Time off work
- Special working arrangements

Go through other relevant HR policies or Services that might be useful e.g. Leave Arrangements, Flexible Working, Occupational Health.

- Highlight the Are You OK website which contains useful information and a directory of services, including [Torbay Domestic Abuse Service](#), the Samaritans, mental health, drug and alcohol services.
- Reiterate that if they ever feel in immediate danger to **DIAL 999** and contact the police.
- **Encourage them to report the abuse to the police.**

8 Guidance for Employees

If **you are experiencing domestic abuse or have suffered from sexual violence or abuse**, support is available. Look on the **Are You Ok** website for advice, guidance and contact information.

General awareness eLearning regarding Domestic Violence and Abuse is available via iLearn.

8.1 If you are experiencing domestic abuse

- Recognise that it is happening to you. Be aware that some abusers will apologise for their actions and persuade their partners that the abuse will not happen again, but the abuse usually gets worse.
- Accept that **you are not to blame**.
- Get help and advice; the most important thing to do is tell someone **you trust**.

8.2 If you have experienced sexual abuse

- Whether this is historic abuse or you have experienced something recently, support is available.
- You don't have to report it to the police, although that is recommended, but if it is a very recent incident; contact the SARC (Sexual Assault Referral Centre) who can advise you about your options.
- Devon Rape Crisis Service can offer help, advice and support (including one to one support) for women who have experienced sexual violence or abuse at any time during their life.

8.3 If you are being stalked

- Record **any** incident you are suspicious of (telephone calls, sightings, cars, post).
- Change your phone number but keep the old phone to track their calls.
- Change your normal routes of travel & places you visit

8.4 If you are being cyber-stalked

- Change your e-mail accounts.
- Change your phone number.
- Check your privacy settings on social media accounts or better still, close them and create new ones.
- Change passwords on all online accounts, including Ebay and Amazon.
- Change passwords regularly, choose totally new passwords.

9 Further Help

9.1 Useful contact numbers

Organisation	Telephone Number	Website/Email Address
Torbay Council confidential counselling service offers a free and confidential service to all Torbay Council employees	01803 207359 or 24 hour answer phone 01803 207349	Counselling Service
Torbay Police Domestic Abuse Unit. Dial 999 in an emergency	01803 218969 (or 101)	N/A
Torbay Domestic Abuse Service (TDAS) supports male and female victims of domestic abuse in Torbay	01803 698869	TDAS: Torbay Domestic Abuse Service
Torbay Refuge provides temporary safe accommodation for women and children fleeing domestic abuse	01903 698869	
Are you OK? Website information and service directory for victims of domestic abuse and sexual violence in Torbay	N/A	Are You OK?
National Domestic Violence Helpline provides access to 24 hour emergency refuge accommodation and information	0808 2000 247	Women's Aid helpline@womensaid.org.uk
Unison can provide support and information on domestic abuse	01823 207041	Unisontorbay@yahoo.co.uk
Broken Rainbow lesbian, gay, bisexual and transgender domestic abuse forum	0300 999 5428	Broken Rainbow
Victim Support helps people cope the effects of crime	0300 303 0554	Victim Support
Respect service for men who are looking for information and advice to stop their abusive or violent behaviour towards their partners	0808 802 4040	Respect
Mankind a support and resource service for men who have been sexually abused, sexually assaulted and/or raped	01273 911680	Mankind enquiries@mankinduk.co.uk
Paladin – National Stalking Advocacy Service CIC advice and support to high risk victims of stalking	0207 840 8960	Paladin
Children's Safeguarding Hub & MASH	01803 208100	Safeguarding Hub

SARC (Sexual Assault Referral Centre)	01392 436967	SARC
MARAC (Multi Agency Risk Assessment Conference)		torbaydau@devonandcornwall.pnn.police.uk
Devon Rape Crisis Support Service	01392 204174	Devon Rape Crisis Service
Intercom Trust offers a confidential community helpline for Lesbian, Gay, Bisexual, Transgender and Questioning people in the South West	0800 612 3010	Intercom Trust

9.2 Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox – HRpolicy@torbay.gov.uk

9.3 History of Policy Changes

Date	Page	Details of Change	Agreed by:
25.02.10	Various	Updated with input from Safer Communities	TJCC
11.09.15	Various	Updated with input from Safer Communities	
6.11.19	Various	Update to links Removal of reference to Executive Head Reference to MyView for policies	For information only – TJCC November 2019