

To: **The Chair of the Probation Board
The Chief Officer of the Probation Board
(Copy enclosed for the Head of Human Resources)
The Secretary of the Probation Board
Members of the NNC**

28 March 2008

NNC CIRCULAR NO. 5/2008

Dear Sir/Madam

NNC MODEL DOMESTIC ABUSE POLICY

We are writing to advise that the attached model Domestic Abuse Policy has been agreed by the National Negotiating Council for the Probation Service.

The NNC endorses the expectation of the Domestic Abuse Reference Group (part of the NOMS Public Protection Unit) that all Boards will have a policy for dealing with domestic abuse both operationally and as employers.

It is recommended that joint discussions now take place at local level with recognised trade unions to review any existing policy or to introduce a new one.

Any queries on the model policy should be addressed to either the Joint Secretaries or to Nick Jones, NOMS PACU HR.

Yours sincerely

**Christine Lawrie
Judy McKnight**

Joint Secretaries

NNC MODEL DOMESTIC ABUSE POLICY

Policy Statement

1. [] Probation Board, recognises, as an employer, that domestic abuse is a serious issue and affects many people's lives. This policy applies to employees as victims and perpetrators. The overwhelming majority of victims are women and therefore women make up the main group who need support. However, this policy also applies to men.
2. This policy sets out what the [] Board hopes to achieve in relation to domestic abuse and recognises that domestic abuse takes place in a range of situations, including:
 - Where a woman is the victim
 - Where a man is the victim
 - Heterosexual, bisexual, transgender, lesbian and gay relationships
 - Where the victim is a child or young person under 18 years old
 - Where the victim is a vulnerable adult e.g. an older or disabled person
3. This policy also sets out how the Board will respond to employees who are perpetrators of domestic abuse.

Definition

4. The term domestic abuse shall be understood to mean any form of violence or abuse that takes place within a present or former intimate relationship. The relationship may be with a partner, family member or carer. The violence may include physical, sexual, emotional or financial abuse. Typically, the abuse forms a pattern of coercive or controlling behaviour which escalates in frequency and severity over time.
5. Whilst in theory anyone can experience domestic abuse, crime statistics and research shows that, in reality, domestic abuse is gender specific. In the great majority of cases the perpetrator is male and the victim is female. Domestic abuse is not limited to any particular social group or class; it occurs across the social spectrum, regardless of age, race, ethnic or religious group, disability or lifestyle. Abuse can take place in a variety of relationships and is occasionally perpetrated by women against men. Abuse and multiple-discrimination can be faced by those who fall into more than one group.
6. In the United Kingdom, 3 million children witness domestic abuse every year (Carrol 1994). There is now overwhelming evidence to suggest that simply witnessing domestic abuse can have serious detrimental effects upon the well-being and development of children, in both the

short and the long term; children are also often the innocent victims of domestic abuse.

7. The Home Office stated in 2001 that “Compared with men, women are more likely to experience domestic abuse at some point in their lives, more likely to experience repeat victimisation, more likely to be injured and to seek medical help, more likely to experience serious threats and more likely to be frightened and upset.”
8. Examples of domestic abuse include:
 - Physical abuse, e.g. slapping, pushing, kicking, punching and stabbing, attempted murder or murder;
 - Sexual abuse, i.e. rape and non-consensual sex acts;
 - Emotional or psychological abuse, e.g. intimidation, isolation, verbal abuse, humiliation, degradation, not allowing friends or relatives to visit or phone, destruction of belongings, threat of legal sanctions, e.g. deportation, custody of children etc;
 - Financial abuse, denial of rights or restriction of personal freedom, e.g. withholding money or medical help.

Facts about domestic abuse

9. There is a great deal of research that can be accessed. Here are some facts:
 - 1 in 4 women will experience domestic abuse at some time in their lives (Council of Europe 2002);
 - In the UK, 2 women are killed every week by current or former partners. (Campaign against Domestic Violence website);
 - Women are raped, stabbed or beaten every six seconds (Campaign against Domestic Violence website);
 - Every minute in the UK, the police receive a call reporting violence in the home (from the public asking for assistance for Domestic Violence) (Stanko 2000);
 - Home Office research states that there are more repeat victims than any other crime (on average there will be 35 assaults before a victim calls the police).

Benefits for victims who are in work

10. For many victims who are able to work (they may sometimes be prevented from doing so), work is essential for them to survive. Not only does it provide them with money, but also acts as a respite from the violence and abuse at home. It can also help them to retain some self-esteem and independence.
11. The workplace can make an important contribution to the safety of women, but only when employers and colleagues have an understanding of the effects of domestic abuse on all aspects of a

woman's life. Having a policy will ensure that staff are aware of the Board's commitment to take positive action in cases of domestic abuse and will encourage an environment in which victims can feel safe to speak about the problem and obtain appropriate support. This will also, hopefully, encourage victims to seek help sooner rather than later.

Aims

12. The aim of this policy is to ensure that every employee who is a victim of domestic abuse and who raises the issue with the organisation will be treated promptly, fairly and with regard to personal safety and confidentiality and to set out the employer's response should a member of staff be alleged or found out to be a perpetrator of domestic abuse.

Objectives

13. The objectives of this policy are to:
 - To assist and support employees who approach the organisation for help in addressing problems arising from domestic abuse;
 - To ensure those employees seeking assistance are confident their situation will be handled with understanding and sensitivity and with the seriousness it warrants;
 - To ensure that all cases brought to the attention of the organisation will be treated confidentially by those involved;
 - To raise awareness of domestic abuse and ensure a consistent approach across the area;
 - Set out what the organisation will do if employees are found to be perpetrators of domestic abuse.

Legal Obligations and the Board's Duty of Care

14. The Board acknowledges that it has a duty of care to the mental health and well being of its employees (H&S at Work Act 1974) and it will treat domestic abuse in the same way as any other health hazard and assess risks to mental health and well being when necessary.
15. The Board acknowledges that the individual's right to confidentiality is paramount. The organisation will ensure that employees know that maintaining confidentiality is of crucial importance to the safety of those experiencing domestic abuse.
16. The organisation will only involve other agencies or share information with the consent of the person concerned, unless:
 - It is required to do so by law or

- The sharing of information is necessary for the protection of children
17. For employees experiencing and receiving support for domestic abuse, it will remain confidential as far as it is reasonably practicable within our duties as an employer.

Strategy

Implementation plan

18. The table below identifies the tasks to enable implementation:

Task	Deadline	Responsibility
Identification of local domestic abuse agencies, for both victims and perpetrators	To be defined by Area	Human Resources
Devise and print information leaflets	“	Human Resources
Essential training for all Managers	“	Training Unit
Awareness training for all employees and Board Members	“	Training Unit

Identification of the problem

19. Whilst it is the responsibility of the individual to recognise they are a victim of domestic abuse, due to the fear, shame and guilt associated with the problem the organisation is aware that victims find it difficult to seek help and support. Consequently, the organisation will take a proactive approach to the issue and be aware of some of the signs that may indicate domestic abuse, for example:

- Employee becoming withdrawn/depressed
- Frequent submissions of self-certified absences
- Reduced quantity/quality of work
- Conduct out of character

- Employee's partner frequently contacting them at work
- Visible bruising/injury

20. It is important to remember that any of the above may arise from a range of circumstances and are not exclusive indicators of domestic abuse.

How the Board will offer support to victims

21. Any employee disclosing domestic abuse will be given advice on a range of services that may provide specialist help and support. They will also be given assistance to access these services should they require it. In recognition of the fact that some people will find it difficult to approach their line manager or Human Resources in the first instance the organisation will identify and provide training for colleagues who could act as the first point of reference. The fact that many victims may have suffered several assaults and types of abuse before raising the issue should be borne in mind.
22. Line managers/Human Resources will consider granting extended or special leave for employees experiencing domestic abuse.
23. Absences from work arising from domestic abuse will be treated sympathetically and will be taken into account as mitigating circumstances for sickness absence management, disciplinary/capability purposes and regarding pay.
24. Time to attend appointments to obtain advice or support regarding domestic abuse will be facilitated as far as possible given the exigencies of the organisation.
25. Relocation or redeployment may be considered by the organisation if both the employee and the employer think this may help. It should be recognised that some work settings may be more difficult than others e.g. Approved Premises and managers should be sensitive about the type of work they allocate to someone in this position.
26. Human Resources will publish and keep up to date information, including contact numbers of agencies who could help such as Domestic Abuse Projects, and housing and benefits agencies, both via the Intranet and on a paper basis.
27. Where an employee's personal safety is at risk within the work setting, the organisation will assist the employee in putting together a personal safety plan. In some instances this may need to address the safety of colleagues. If the employee's personal safety is at immediate risk, consideration should be given to involving the police at an early stage. The personal safety plan will be an individualised plan and those involved in devising it will agree it with the victim.

28. All managers will receive training on the policy and signs to look out for so that they are able to support employees experiencing domestic abuse.
29. Confidential counselling services are available through the organisation and may be accessed by victims of domestic abuse.

Staff Roles and Responsibilities

30. Employees who are experiencing domestic abuse may not feel able to tell people at work of their situation or approach their manager with problems in the first instance. However, as a result of other issues, such as frequent absence from work, poor performance, or an employee's partner frequently contacting her/him at work, a manager or colleague may become aware of the situation. In these circumstances a manager should consider if there is an underlying cause, such as domestic abuse, and take this into account in considering how to deal with the situation. A colleague must consider the value of alerting the manager to their concerns.
31. If there is an underlying cause which has been identified, then offering appropriate support may mean that the employees are able to deal with their situation more effectively.
32. Where the victim's perpetrator is appearing in court then the organisation will handle the situation with as much sensitivity and confidentiality as possible.

The Role of Managers

33. Managers need to develop a sensitive approach and ensure the employee is offered support if domestic abuse is an issue that has been disclosed to them. When dealing with a report of domestic abuse from an employee, managers should:
 - Ensure discussions take place in private and are confidential as far as possible.
 - Take the employee seriously, taking time to listen to her/him, believing what s/he tells you and ensuring a non-judgemental approach.
 - Understand that an employee may wish to involve a third party, such as a colleague, trade union representative or friend, rather than speak to her/his line manager.
 - Be aware that there may be a variety of discriminatory issues facing the employee because of her/his age, gender, sexuality, ethnic background, race or disability
 - Explore what support is available, explore options, and support the employee in whatever s/he then decides to do.
 - As managers have a duty to maintain a secure environment for all employees, it may be necessary to explore, with the employee concerned, the possibility of informing colleagues of

potential risks. If the employee agrees to this approach, colleagues should be reminded that the information is confidential.

- Managers must not make a personal rather than a managerial commitment to resolve an issue for a member of staff.

How the Service will deal with Perpetrators

Position Statement

34. This section of the document has been devised to outline the organisation's policy in relation to employees who are convicted of offences involving domestic abuse, those against whom an allegation has been made or those who come forward who are presenting concerns about their behaviour within an intimate relationship.

35. Domestic abuse perpetrated by probation personnel will not be tolerated under any circumstances nor will it be treated as a purely private matter which is of little or no concern to the organisation. However the organisation recognises that it can have a role in encouraging and supporting employees address offending/problematic behaviour of all kinds and will treat any allegation or conviction on a case-by-case basis for disciplinary purposes.

36. The [] Board will not be involved in "mediation" between an alleged domestic abuse perpetrator and victims and other family members. The needs of staff who are perpetrators and their families should be dealt with separately.

37. When faced with staff members who have been convicted of an offence involving domestic abuse, those against whom an allegation has been made or those who come forward who are presenting concerns about their behaviour within an intimate relationship, the organisation will take into account the following:

- Protecting adult and child victims, potential future victims, members of the public, probation staff from the effects of further violence, serious injury and death.
- Ensuring that staff who commit domestic abuse related offences are held accountable.
- Upholding public confidence in the integrity of the National Probation Service as a whole.
- Upholding public confidence and the confidence of victims in reporting domestic abuse and in the organisation's response to domestic abuse.

Note: The organisation will not be involved in the supervision of someone convicted of offences involving domestic abuse who is, or has been, an employee. A protocol will be developed with neighbouring areas to deal with these cases.

Code of Conduct

38. The role of the [] Board within the Criminal Justice System gives rise to the expectation of a high standard of integrity, personal conduct and discipline in its entire staff, including trainees and volunteers working within it, whilst at the same time treating all people fairly, openly and with respect.
39. Confidence and credibility are fundamental to the effective performance of the primary task of working constructively with offenders in the community. It is, therefore, very important that all staff on appointment exercise standards which meet those required by the organisation.
40. The 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 are expected to abide.
41. Whilst the Code of Conduct does not, itself, constitute a set of disciplinary rules and any disciplinary action thought necessary by management will be taken in accordance with the relevant procedures, any failure to adhere to this Code of Conduct will be taken into account in such procedures.
42. Staff are expected at all times to present high standards of personal integrity, conduct and appearance that will not reflect adversely on the organisation and its reputation.

Application of the Code of Conduct

43. Line managers have an obligation to their staff. On the occasions when a line manager may note, or become aware of, some aspect of a staff member's behaviour which gives rise for concern, they have a duty to observe and, if necessary, act. On these occasions this will trigger discussions with Senior Management and Human Resources.

Criminal Proceedings

44. The [] Board has adopted a policy regarding the notification of criminal proceedings by all members of staff.
45. The organisation's policy requires any member of staff who has criminal proceedings instituted against them to notify the organisation immediately.
46. The notification will be to the line manager and from there to Senior Management and Human Resources.

47. Criminal Proceedings include:-
- (a) a charge of a criminal offence
 - (b) a summons or a warrant to appear before any Criminal Court
 - (c) a caution in respect of any criminal offence
48. The organisation will consider any criminal proceedings notified by members of staff and decide whether or not any further action is necessary.
49. In the event of an acquittal i.e. a not guilty plea being sustained, it would not be appropriate for the organisation to retain that information in respect of criminal proceedings on a personal file.
50. Failure to disclose criminal proceedings could result in disciplinary action.
51. Criminal cases involving domestic abuse will be looked at on a case by case basis depending on the nature and the severity of the offence.
52. Where a decision is made not to suspend, the organisation will consider restricting duties such as excluding an employee from any matters relating to domestic abuse, child protection or sexual offences.
53. If the organisation becomes aware of an alleged domestic abuse situation and both the perpetrator and victim are employees, it will take steps to ensure that safety in the workplace is paramount for the person being abused and all other employees.
54. Confidentiality can have a bearing on safety. If an alleged abusive partner working in the same location suspects that home circumstances have been disclosed at work, this could conceivably cause problems for the partner or colleagues in the workplace. In certain circumstances it may be appropriate or necessary for the organisation to activate the workplace policy on Harassment and Bullying.

Civil Proceedings

55. There is an expectation that an employee of the organisation will inform the employer of the existence of any domestic abuse related civil orders (under the Family Law Act 1996 or Protection of Harassment Act 1997) or child contact restrictions against an alleged abuser and any recorded breaches of such orders/restrictions. Breaches of civil non-molestation orders are now a criminal offence.

Non Criminal Incidents, Allegations and Suspicions

56. The above are difficult to define as it is not easy to determine the degree of criminality involved nor are they susceptible to one-off solutions.

There is a natural tendency to underestimate what is going on in family situations. Staff becoming aware of unreported incidents of domestic abuse, or receiving allegations or having suspicions thereof, should report the matter to their line manager in the first instance.

Referral to External Agencies

57. It is not appropriate for the organisation to offer the alleged perpetrator counselling and guidance. If it is agreed by employer and employee that structured intervention would be a beneficial course of action the organisation will refer the employee to an approved service provider.

Bullying and Harassment

58. The [] Board's policy on Bullying and Harassment can be found at [].

The Role of the Human Resources Units

59. The effects of domestic violence can impact employees in many ways such as punctuality, attendance, Health & Safety, work performance and productivity. The Human Resources Unit will ensure that the availability of confidential support for victims and perpetrators is widely publicised on notice boards, Intranet and that a list of named contacts both internal and external specialist agencies is regularly updated and available for employees to access. A list of some national agencies providing support for victims and perpetrators is attached as Annex A.
60. The Human Resources Unit will provide guidance to employees and/or managers relating to the Domestic Violence Policy and ensure effective integration with other HR policies such as Sickness/Absence, Disciplinary, Bullying & Harassment and Health & Safety.
61. The Human Resources Unit should also be involved in the selection of named contacts who may act as the first point of contact for staff who are subject to domestic abuse issues.

Options for Action

62. The following list is neither exhaustive nor mandatory:
- Improving security measures, such as changing keypad numbers
 - Reminding all employees, particularly reception and administrative staff, not to divulge information about other employees, especially personal details such as addresses and telephone numbers

- Where reasonably practicable, particularly where the alleged perpetrator is a colleague, consider offering temporary or permanent changes in workplace
- Considering work times and patterns so as to ensure the employee is less at risk at work and on their journeys to and from work. This could include changes to the office layout to ensure that the employee is not visible from reception points or from ground floor windows
- Offering changes in specific duties
- Agreeing what to tell colleagues and how they should respond if the abuser rings or calls at the workplace. Providing colleagues with a photograph of the abuser and other relevant information, such as car registration numbers, may help to maintain security in the workplace
- Making sure that the systems for recording employee whereabouts e.g. home visits, meetings, are adequate and considering how risks can be minimised. Examples could be changing duties or allowing another colleague to accompany them on certain journeys
- Recording all incidents of violence or threatening behaviour in the workplace, including persistent phone calls, e-mails or visits to an employee by an alleged perpetrator.
- Considering requests for alternative working arrangements
- Considering paid or unpaid time off for employees who have disclosed that they are experiencing domestic abuse
- Considering, at the employee's request, changing payment arrangements if their abuser has access to their finances or is applying financial pressure on them
- Considering, with the employee's consent, referring them to an appropriate agency
- Providing advice on support mechanisms
- Consider how sensitive information and risk assessments are stored and accessed

Table of useful websites and telephone numbers

If you ever feel you are in immediate danger, dial **999**

Women's Aid	<p>National charity working to end domestic violence against women and children, by promoting the protection of abused women and children and supporting a range of national and local specialist domestic violence services.</p> <p>Tel: 0808 2000 247</p> <p>http://www.womensaid.org.uk</p>
National Domestic Violence	<p>Access to emergency refuge accommodation and information service Helpline run in partnership with Women's Aid and Refuge</p> <p>Tel: 0808 200 0247</p> <p>http://www.crimereduction.gov.uk</p>
Refuge	<p>For women and children against domestic violence</p> <p>Tel: 0808 2000 247</p> <p>http://www.refuge.org.uk</p>
Home Office Domestic Violence Pages	<p>Facts, figures and helpline information</p> <p>http://www.homeoffice.gov.uk</p>
Zero Tolerance	<p>Independent charity which campaigns for the prevention of male violence against women and children.</p> <p>http://www.zerotolerance.org.uk</p>
Victim Support	<p>Nation charity which helps people affected by crime.</p> <p>Victim Supportline - Tel: 0845 30 30 900</p> <p>http://www.victimsupport.org.uk</p>
Specialist Women's Helplines	<p>Jewish Women's Aid Tel: 0800 59 12 03 http://www.jwa.org.uk</p> <p>Southall Black Sisters Tel: 020 8571 9595</p>

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

Muslim Women's Helpline

Tel: 0800 032 7587

<http://www.mwhl.org>

Asian Women's Resource Centre

Tel: 020 8961 6549

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