



Domestic Abuse Policy Negotiating Pack

Introduction

Domestic abuse is a serious problem. It occurs right across our society and it has devastating consequences for the victims and their families. It knows no boundaries as regards age, gender, race, religion, sexual orientation wealth or geography.

This guide is to assist UCU Wales representatives in negotiating a workplace policy on domestic abuse. It is intended that this guide be used in a practical way to give information and advice to union representatives in the workplace and to enable them to give consistent and effective advice to those suffering domestic abuse. It also provides a model policy for branches/LAs to table at their own institutions.

The Welsh context

The Welsh Government has outlined that it is committed to the resolution of domestic abuse (Welsh Assembly Government 2005). In 2013, the Welsh Government has announced that its Legislative Programme for 2013-2014 will include an Ending Violence against Women and Domestic Abuse Bill to tackle all forms of violence against women, domestic abuse and sexual violence.

Recently, the Welsh Government has required NHS organi

It is important to note that point 1.23 of the implementation plan states that the Government will encourage the development of work place policies on domestic abuse and violence against women in the public sector as does the Welsh government's white paper consultation document on legislation to end violence against women, domestic abuse and sexual violence (Wales).

UCU Wales considers that in support of the Welsh government commitment to tackling domestic abuse and the because of the wider implications of domestic abuse, it should be encouraging higher and further education institutions in Wales to develop and introduce domestic violence abuse policies.

Legislative Framework

The Health and Safety at Work Act etc (1974) set out the requirements to secure the health, safety and welfare of those at work, and to protect the health and safety of any persons affected by work activities.

The Management of Health and Safety at Work Regulations (1999) require an

Definition of domestic abuse, violence against women and sexual violence

What is a domestic abuse policy?

A domestic abuse policy is a document that clearly states that the Institution will not tolerate domestic violence or abuse and that it is committed to supporting staff who are subjected to it as well as committed to taking action against those who perpetrate such abuse.

UCU Representatives and disclosures of domestic abuse

UCU's document Violence against Women

The General Equality Duty

The general duty has three aims, it requires public bodies to have due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
2. advance equality of opportunity between people from different groups
3. foster good relations between people from different groups-this involves tackling prejudice and promoting understanding between people from different groups.

The general duty applies to every public authority in Wales. This means that all HE and FE institutions have a legal duty to prioritise action to address the most significant inequalities within their remit and take actions that are likely to deliver the best equality outcomes.

The Equality Duty is an important mechanism for tackling violence against women.

The scale and impact of violence against women is so significant that all public authorities should consider prioritising this issue. This means assessing d

Key negotiating points in the workplace

Trade unions and interested parties have been campaigning over a number of years to ensure that the issue is seen as a workplace and political issue.

It is important that employers recognise that having a workplace policy supports employees experiencing domestic abuse but is also of benefit to them. It is a good investment, helping them to ensure the health, safety and welfare of the workforce and reduce absence- related costs and increase productivity.

Below are the key points that may help in negotiating a workplace policy:

Recruitment and retention

Creating a team of trained and experienced staff costs money. Having a workplace policy is a good investment for an employer, helping to retain skilled, trained and experienced staff and thereby reducing the costs that occur when staff leave. Also, an employer who promotes family friendly policies will be attractive to a much wider pool of potential applicants.

Staff morale and productivity

A workplace policy on domestic abuse can help create a positive working environment. If staff feel that they are fully supported and confident in approaching their employer for help then this can increase their morale, loyalty and commitment which in turn can have a positive impact on productivity.

Disciplinary action

The effects of domestic abuse can impact on attendance, punctuality, work performance, health and safety and productivity. A clear policy on domestic abuse that enables employees to confide in workplace representatives at an early stage can prevent unnecessary disciplinary action against an employee.

Public image and reputation

Employers who have a policy on domestic violence are communicating a powerful message to employees, potential employees and the wider community that they are

UCU Wales would encourage branches/LAs to table this model policy at the relevant negotiating committee. This model policy is based on the domestic abuse policies in operation in NHS Health Boards across Wales

MODEL – Domestic Abuse Policy

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Managers may consider implementing reasonable measures which would protect the safety of employees who are experiencing domestic abuse. For example, employees who are concerned for their safety while travelling between work and home, and whilst at work, may benefit from a temporary change in hours or place of work. In some circumstances it may be appropriate to permanently relocate or redeploy an employee as a supportive measure if this is practicable and has no significant impact on service delivery.

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 under the university/college disciplinary policy.

In cases where both the victim and the alleged perpetrator or perpetrator of domestic abuse work in the same school/department/faculty, the university/college will take appropriate action.

In addition to considering disciplinary action against the alleged perpetrator or perpetrator,

above, the manager may have to take into account whether the measures are operationally viable. In all instances however, the health and safety of the employee, other members of staff and students should be a primary consideration when managing the situation.

Communication and training

It is the responsibility of managers to ensure that employees are made aware of this policy, their role and responsibilities at local induction.

Training will be provided as required.

In order to raise further awareness of domestic abuse, posters and details of Welsh government campaigns will be displayed on university/college property.

[Where university or college has a special leave policy or can be amended to be a stand-alone section on special leave]

Options to provide leave for employees experiencing domestic abuse

The university/college has a special leave policy, which has provisions to allow for some paid or unpaid leave to deal with situations of domestic distress, at the manager's discretion. Managers should therefore deal sympathetically and consistently with requests from employees, who have disclosed they are experiencing domestic abuse, for reasonable time off.

Employees will be entitled to special leave to attend civil or criminal court hearings as a witness. They will also be entitled to special leave if they are required to attend court to seek an injunction against a perpetrator or alleged perpetrator of domestic abuse.

Managers must record applications for special leave in accordance with the university/college special leave policy. If the leave relates to domestic abuse the records must be placed in a sealed envelope marked 'For managers access only' and filed within the employees personnel file. Copies sent to the Human Resources Department must be sent in a sealed envelope, clearly marked 'Strictly private and confidential'.

Appendix 2 – Asking questions about suspected domestic abuse

(Taken from the Welsh Government Domestic Abuse, Violence against Women and Sexual Violence Policy for Staff. Published 30 September 2013 available at: <http://wales.gov.uk/docs/dsjlg/publications/comm/131002domabusevawpolicyen.pdf>)

Asking difficult questions

This guidance will help line managers to begin a conversation with an employee where they suspect that he/she is experiencing domestic abuse and violence.

It is important to normalise the process of 'asking the question'. The best way to encourage the individual to open –up to you is to adopt a considerate questioning approach.

Try to avoid 'shutting down' disclosure through you adopting a self conscious or apologetic approach.

If your approach is too forthright, you risk your questions being perceived as a threatening intrusion into an employee's personal life.

Talking about domestic abuse/violence is an emotionally charged event for both the person being abused and the confidante and needs to be handled sensitively.

Begin by letting the employee know that you are concerned, that s/he is not alone and that s/he doesn't deserve the abuse/violence and that help is available. These things can begin to bridge his/her isolation and open up other possibilities.

Let the employee know what you have observed:

Be careful that there isn't an over-focus on physical violence to the detriment of emotional, psychological, financial and other aspects of domestic abuse

Believe an employee if they disclose that they are experiencing domestic abuse/violence – do not ask for proof

Reassure the employee that the organisation has an understanding of how domestic abuse and violence may affect them at work and the support that can be offered.

Once you have used the question examples below to begin and discuss the situation – use validating messages such as:

Indirect questions

If

Appendix 3 – What is domestic abuse?



The Survivor's Handbook

There are a number of different definitions of domestic violence. In Women's Aid's view, domestic violence is physical, psychological, sexual or financial violence that takes place within an intimate or family-type relationship and forms a pattern of coercive and controlling behaviour. This can include forced marriage and so-called 'honour' crimes. Domestic violence often includes a range of abusive behaviours, not all of which are, in themselves, inherently 'violent' - hence some people prefer to use the term 'domestic abuse' rather than 'domestic violence'.

Although every situation is unique, there are common factors that link the experience of an abusive relationship. Acknowledging these factors is an important step in preventing and stopping the abuse. This list can help you to recognise if you, or someone you know, are in an abusive relationship.

Destructive criticism and verbal abuse: shouting; mocking; accusing; name calling; verbally threatening.

Pressure tactics: sulking; threatening to withhold money, disconnecting the telephone, taking the car away, taking the children away, or reporting you to welfare agencies unless you comply with his demands; threatening or attempting suicide; withholding or pressuring you to use drugs or other substances; lying to your friends and family about you; telling you that you have no choice in any decisions.

Disrespect: persistently putting you down in front of other people; not listening or responding when you talk; interrupting your telephone calls; taking money from your purse without asking; refusing to help with childcare or housework.

Breaking trust: lying to you; withholding information from you; being jealous; having other relationships; breaking promises and shared agreements.

Isolation: monitoring or blocking your telephone calls; telling you where you can and cannot go; preventin

Further information



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



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

List of local Women's Aid Groups and Domestic Abuse Charities available here:

http://www.welshwomensaid.org.uk/index.php?option=com_content&view=article&id=99:womens-aid-groups-in-wales&catid=34:uncategorised&Itemid=104

Branches and Local Associations can also contact:

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