

REPORT TO: Policy and Resources Committee - 13 February 2012

REPORT ON: Workplace Policy on Gender Based Violence

REPORT BY: Head of Personnel

REPORT NO: 62-2012

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to the proposed Workplace Policy on Gender Based Violence (attached as Appendix 1).

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approves the Workplace Policy on Gender Based Violence.

3 FINANCIAL IMPLICATIONS

- 3.1 Any period of unpaid leave will incur a cost for Council departments, however, support at a crucial time may result in savings in the longer term.

4 MAIN TEXT

- 4.1 Gender based violence is a serious issue which occurs across all society and can have a damaging effect on the mental and physical health of people affected.
- 4.2 As a large employer, Dundee City Council acknowledges that some Council employees will be experiencing gender based violence and is committed to providing appropriate support for employees. It is also recognised that there will be a number of perpetrators of such abuse within the Council.
- 4.3 The Workplace Policy on Gender Based Violence supersedes the Workplace Policy on Domestic Abuse.

5 POLICY IMPLICATIONS

- 5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti Poverty, and Risk Management. An Equality Impact Assessment has been carried out and will be made available on the Council website <http://www.dundee.gov.uk/equanddiv/equimpact/>

There are no major issues.

6 **CONSULTATIONS**

- 6.1 The Chief Executive, Depute Chief Executive, Director of Finance and the trade unions have been consulted in the preparation of this report.

7 **BACKGROUND PAPERS**

- 7.1 Equality Impact Assessment.

I M M Martin
Head of Personnel

(DATE)

WORKPLACE POLICY ON GENDER-BASED VIOLENCE

INTRODUCTION

Dundee City Council recognises that gender-based violence is a serious issue which occurs across all society and can have a damaging effect on the mental and physical health of people affected.

Gender-based violence includes a range of forms of violence which may affect workplace performance;

- domestic abuse
- prostitution and other forms of commercial sexual exploitation
- rape and sexual assault
- childhood sexual abuse (including adult survivors of such abuse)
- harmful traditional practices - "honour-based" violence, forced marriage and female genital mutilation

Gender-based violence can affect employee's work performance and in some cases, threats and acts of gender-based violence may carry over into the workplace and affect other employees. In addition, the perpetration of any of the forms of gender-based violence may call into question an employees suitability for their job role.

The Council recognises that as an employer it has a responsibility for the health, safety and welfare at work of all employees and is committed to providing support for employees who are experiencing any form of gender-based violence. Assisting and supporting employees to resolve difficulties in their personal life will have a positive effect on their performance at work.

AIMS OF THE POLICY

The aims of the policy are:-

- a) to assist and support managers to identify and deal in an appropriate manner with employees currently experiencing gender-based violence;
- b) to assist and support managers to identify and deal in an appropriate manner with adult survivors of acts of gender-based violence experienced historically;
- c) to assist and support employees who seek help in addressing problems arising from gender-based violence and ensure that these employees are responded to quickly, positively, and in confidence.
- d) to assist and support managers to identify and deal in an appropriate manner with perpetrators of gender-based violence who are employees of Dundee City Council.

DEFINITION OF GENDER-BASED VIOLENCE

For the purpose of this policy, gender-based violence is defined as violence that is directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. It includes sexual violence, sex trafficking, forced prostitution, domestic abuse, emotional and psychological abuse, female genital mutilation, forced marriage and "honour-based" violence.

Dundee City Council recognises that some employees may have experienced more than one form of gender-based violence.

While women, men, boys, and girls can be victims of gender-based violence, women and girls are the main victims. This policy applies equally to all employees including those in same sex relationships or who are transgender.

Given the prevalence of gender-based violence within the wider Scottish population, and the size of Dundee City Council workforce, it is inevitable that a significant number of employees have experienced some form of abuse, past or current. It is also recognised that there will be a number of perpetrators of such abuse within the workforce.

GENDER-BASED VIOLENCE IN THE WORKPLACE

Gender-based violence will almost certainly have an impact on the performance at work, attendance and productivity of the victim and therefore have a direct effect on the quality of service provision.

All forms of abuse can have an adverse impact on both physical and mental well-being. The actions required to support employees may vary depending on the nature and timing of the abuse. Where abuse is currently being experienced there may be a requirement for an urgent response, safety planning, flexible working arrangements and the provision of information. Where abuse has occurred historically the required response will be on supporting the employee to identify and address the longer-term consequences of the abuse.

Gender-based violence manifests itself in a variety of ways and may include:-

- Lateness
- Physical and emotional exhaustion
- Absenteeism
- Poor work performance
- Behavioural change
- Low self esteem and lack of confidence

Allegations of gender based violence against an employee will be investigated and if they were substantiated, disciplinary action will be taken where the conduct in question makes the employee unsuitable for his/her type of work.

SUPPORT MEASURES FOR EMPLOYEES WHO HAVE EXPERIENCED ABUSE

The Personnel Department will provide advice, assistance and support to individual employees and managers in interpreting and applying the Council's Workplace Policy on Gender-based violence. To facilitate such discussions as outlined below, an employee may wish to be supported by a colleague or trade union representative.

Although managers should be as supportive as possible, employees should, nonetheless, have a clear understanding of what is expected of them in relation to performance and attendance.

The list of provisions below is not exhaustive and there may be other measures that managers can reasonably take in the individual circumstances of employees.

All disclosures of abuse experienced by employees will be treated confidentially, the key exception being situations where there is reason to believe there may be a risk to others, including harm to children.

Dundee City Council is committed to creating an environment in which employees feel, and are, safe to disclose their experiences of abuse in order to access support and increase safety from themselves and others. The right of employees not to disclose, however, must be respected.

Accessing Support

An employee with experience of abuse who wishes to access support should raise this in the first instance with their Line Manager or Personnel Officer.

Employees can also self-refer to external support agencies.

Paid Time Off

Up to one day's paid leave may be granted where an employee is required to urgently flee to a safe place, eg refuge, without prior planning. This is a one-off arrangement.

An employee should discuss the situation with their Line Manager who will decide whether paid time off is appropriate. Any further paid time off is at the discretion of the Chief Officer after due consideration.

Time Off to Attend Solicitor/Other Agencies

Where an employee is experiencing gender-based violence, the Council will adopt a sympathetic approach, taking all factors into account, with a view to allowing the employee to attend appointments with solicitors and/or other agencies. This may involve waiving the core times of the flexi time system to attend an appointment, unpaid special leave, allowing an employee to work back time, etc.

An employee should discuss the situation with their Line Manager who will consider suitable options. Arrangements must be approved and agreed by the line manager.

Flexible Working

Change of Workplace

An employee may request a temporary change of workplace. This request should be put in writing to their Line Manager who will consider the request and respond within 14 days.

Change to Working Arrangements

An employee may request a temporary or permanent change to his/her working arrangements under the Council's Flexible Working Policy.

Advance of Pay

An employee experiencing financial hardship due to their experience of gender-based violence should explain the situation to their line manager and may request an advance of their salary/wage. The employee's Line Manager will seek the approval of the Head of Department and the Head of Finance.

Counselling/Support

An employee should explain the situation to their Line Manager and may request counselling which can be arranged by their Line Manager by contacting the Personnel Department.

Paid time off to attend other recognised specialist counselling and support services will be considered on an individual basis.

A list of agencies dealing with gender-based violence is attached as Appendix 2.

Safety at Work

The employee may suffer harassment from perpetrator(s) of gender-based violence whilst they are at work. The Line Manager should raise and explore whether that has happened or is likely to happen, and take reasonable steps to protect the employee's health and safety in and around the workplace.

Where a Line Manager becomes aware that an employee is experiencing gender-based violence they should discuss and agree (at the earliest opportunity) an agreed method of safe and confidential communication.

Personal alarms can be requested if the employee is worried that their partner/relative or the perpetrator may try to contact or follow them, especially if lone working.

Arrangements should be put in place to ensure colleagues are aware that personal information should not be given out unless express authority is given by the employee experiencing gender-based violence.

An employee can request to use an assumed name at work. All requests will be considered on an individual basis taking into account the employee's job role.

Where appropriate, a risk assessment should be carried out by management. This assessment will include travel to work, work on the premises, breaks etc. Where the perpetrator(s) work for the Council the situation may be more complex and advice should be sought from Personnel.

Provision of Temporary Mobile Phones for Emergency Use

An employee may contact their Line Manager who will assess the situation and make appropriate arrangements, if necessary.

RESPONDING TO PERPETRATORS OF GENDER BASED VIOLENCE

It is acknowledged that the number of employees within Dundee City Council who are perpetrators of abuse is likely to be relatively small; however, committing any act of gender-based violence is a serious matter.

Disclosures and allegations about perpetrators of abuse may come from a variety of sources;

- direct disclosure by an employee (voluntary or on enquiry)
- allegations made by another employee, colleague, service user, family member etc
- post conviction notification from the Police
- pre-employment checks

Managers are not expected to act on anonymous allegations or to detect employees who may be perpetrating abuse outside of the work place.

Dundee City Council will treat any allegation, disclosure or conviction of perpetration of gender-based violence on a case-by-case basis, with the aim of reducing risk and supporting change. Depending on the circumstances, the matter will be investigated and may result in disciplinary action.

Where a Line Manager receives a disclosure or is made aware of an allegation of perpetration of gender-based violence they should contact the Personnel Department immediately for further advice and guidance. The Personnel Department will discuss with Child Protection Services the relevance of the incident where appropriate.

Assisting Perpetrators

Where an employee is found to be assisting colleagues to knowingly abuse others, this will be viewed as a disciplinary matter.

Malicious Allegations

If it becomes evident that an employee has made a malicious allegation against another employee, this will be viewed as a disciplinary matter.

INFORMATION AND TRAINING

Implementation of the policy will be accompanied by training for Line Managers to raise awareness of the issues surrounding gender-based violence. Personnel Officers will be provided with more in-depth training and resources in relation to dealing with workplace issues related to gender based violence and will act as a source of information and support for managers.

Employees will be made aware of the policy through a range of methods (i.e. staff notice boards, staff intranet, websites, departmental induction packs).

MONITORING AND REVIEW

Information will be recorded and collated on the use of this policy, ensuring anonymity of employees (i.e. numbers of staff seeking support, action taken, outcome for employee). Other information will include feedback from staff through training sessions and questionnaires / surveys.

This policy will be reviewed by the Head of Personnel in consultation with the Trade Unions in light of experience gained from its operation.

GENDER-BASED VIOLENCE SERVICES - DUNDEE

Organisation	Helpline	Office
Barnardo's Tayside Domestic Abuse Initiative Outreach support for women experiencing domestic abuse		01382 206715
Tayside Police		0300 111 2222
Tayside Police - Domestic Abuse Unit Information and advice for all victims of domestic abuse. Can also provide information and advice regarding other forms of gender-based violence (particularly, sexual violence and harmful traditional practices).	01382 591912	01382 591912
Victim Support - Dundee Information and support for all victims of all forms of gender-based violence.	0845 3030900	01382 305707
Women's Aid - Dundee Support, information and accommodation for women, children and young people affected by domestic abuse.	01382 666081	01382 666908
Women's Rape and Sexual Abuse Centre Outreach support and information for women and young women affected by sexual violence and commercial sexual exploitation.	01382 201291	01382 205556
Action for Children - Women and Family Safety Workers Information and safety planning for women whose partners are attending the court mandated domestic abuse perpetrator programme.	01382 455709	01382 455709
Vice Versa Project Information and support for women involved in prostitution in Dundee.	01382 201291	01382 205556

GENDER-BASED VIOLENCE SERVICES OUTWITH TAYSIDE

Organisation	Helpline	Office
Shakti Women's Aid Information and support for women, children and young people from BME communities who are affected by domestic abuse or harmful traditional practices.	0131 475 2399	0131 475 2399
Hemat Gryffe Women's Aid Information and support for women, children and young people from BME communities who are affected by domestic abuse or harmful traditional practices	0141 353 0859	0141 353 0859
National Domestic Abuse Helpline	0800 027 1234	
National Rape Crisis Helpline	08088 01 03 02	
Men's helpline National helpline for male victims of domestic abuse.	0800 801 0327	
Kingdom Abuse Survivors Project (KASP) Outreach support for men and women who are survivors of childhood sexual abuse. Based in Fife.	01592 644217	01592 644217
Fife Rape and Sexual Assault Centre Outreach support for men and women who have experienced current/recent rape and sexual assault. Based in Fife.	01592 642336	01592 642336
Respect Phoneline Helpline for male perpetrators of domestic abuse.	0845 122 8609	

OTHER USEFUL SERVICES - DUNDEE

Organisation	Helpline	Office
Age Concern Dundee	01382 825624	01382 825624
Alternatives (Dundee Crisis Pregnancy Trust)	01382 221112	01382 507766
Barnardo's Family Support Team	01382 224924	01382 224924
Barnardo's Polepark Family Service - FACE		01382 432931 01382 432938
Barnardo's Space Project		01382 436621
Children 1st	0808 800 2222	01382 322436
Corner, The	01382 206060	01382 206060
Council Offices - Housing	01382 436430	
Council Offices - Social Work	01382 436430	01382 435106
CURSE Bereavement Care Scotland - Dundee	01382 305714	01382 305714
Dundee Association for Mental Health		01382 227288
Dundee Blind and Partially Sighted		01382 227101
Dundee Drugs and Aids Project		01382 200532
Dundee Repertory Theatre Expressive Arts for Health & Healing		01382 342662
Dundee Sitter Service		01382 502504
Dundee Women & Children Project		01382 201854
Key to Change		01382 227400 01382 200532
NCS Dundee (National Counselling Service)		01382 305720
Rollercoaster		01382 436621
Samaritans, The	08457 909090	01382 832555
Scottish Association for Mental Health		01382 904044
Stillbirth and Neonatal Death Society (SANDS) - Dundee		01382 660111
Wishart Centre		01382 461221
Youth Link (Dundee)		01382 224063

TAYSIDE-WIDE ORGANISATIONS

Organisation	Helpline	Office
Age Concern	0845 125 9732	01382 305710
Body Positive Tayside		01382 461555
Caledonia Youth	01382 229613	01382 229613
Couple Counselling Tayside	01382 640340	01382 640123
Family Mediation Tayside		01382 201343
National Deaf Children's Society Tayside Reg Assoc		01821 642350
One Parent Families Scotland		01382 501972
Parent to Parent Tayside	01382 455200	01382 455200
Scottish Drugs Forum - Tayside		01382 305752
Shelter Housing Aid Centre	0808 800 4444	01382 225544
SSAFA Forces Help (Angus and Perth and Kinross branch)		01738 623214
Tayside Alcohol Problem Service		01674 830 361 x225
Tayside Association for the Deaf		01382 221124
Tayside Council on Alcohol		01382 223965
Victim Information and Advice		01382 341180
Web Project, The		01382 458128