



## THE LEARNING PARTNERSHIP

### Domestic Abuse Policy and Procedure

<b>Policy lead:</b>	<b>Director of People</b>
<b>Last review date:</b>	31 August 2022
<b>Next review date:</b>	31 August 2023
<b>Approval needed by:</b>	<b>Finance and Staffing Committee</b>

## History of most recent policy changes

<b>Date</b>	<b>Page / Section</b>	<b>Change</b>	<b>Origin of change e.g. Legislation, TU request</b>
07 December 2021	Whole document	Change to The Learning Alliance	Merger into new organisation
31 August 2022	New section	EIA	Reflect good practice
31 August 2022	Whole document	Added contact details of Staffordshire Domestic Abuse website and helpline	Reflect all schools in Trust

## Policy Equality Impact Screening

Date of screening: 08 November 2022						
Name of person completing screening: Allan Howells						
	Does this policy have the potential to impact on people in any of the identified groups?		What is the expected impact of this policy on any of the identified groups			Notes
	<b>Yes</b>	<b>No</b>	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	
<b>Age</b>		x		x		
<b>Disability</b>		x		x		
<b>Gender Reassignment</b>		x		x		
<b>Race or Ethnicity</b>	x		x			
<b>Religion or Belief</b>		x		x		
<b>Marriage</b>	x		x			
<b>Pregnancy/ Maternity</b>		x		x		
<b>Sex</b>		x		x		
<b>Sexual Orientation</b>		x		x		
Should the policy have a Full Equalities Impact Assessment? <b>No</b>						

## SCOPE

This policy is applicable to all employees of The Learning Alliance.

## AIMS

To ensure that domestic abuse is properly addressed as a workplace issue within The Learning Alliance through clear procedures, guidance and training, and to highlight the levels of support available.

To seek to support employees who are experiencing domestic abuse as a survivor or victim and to promote accountability for those employees who are perpetrators of domestic abuse, supporting them to make positive domestic or behavioural changes.

## DEFINITION

The Learning Alliance has adopted the government definition of domestic abuse as:

*“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).*

## POLICY STATEMENT

The Learning Alliance recognises that domestic abuse is a form of discrimination and harassment which may adversely affect its employees and their families, and believes that everyone has a right to live free from fear and abuse and is committed to minimising the risk to individuals and families and to promoting recovery for all.

The Trust regards any form of domestic abuse as unacceptable and recognises it is a serious safeguarding issue for both adults and children. It gives effect to this position by:

- developing, implementing and publicising this policy;
- providing a clear process for the identification of and response to employees affected by domestic abuse;
- providing appropriate training for the head teacher/principal/managers and all employees; and
- providing support for employees who are affected by domestic abuse.

Domestic abuse perpetrated by employees will not be condoned under any circumstances and any individual charged, convicted or cautioned of a domestic abuse related offence may be subject to the Trust's disciplinary procedures. If the Trust becomes aware of an allegation involving domestic abuse being made against an employee, this will be investigated and may also require a disciplinary process. See [Conduct Outside of Work](#) below.

## **PRINCIPLES**

The Learning Alliance acknowledges that it has a duty of care to the physical and mental health and well-being of its employees in the workplace (Health and Safety at Work Act 1974). Where appropriate, reasonable additional measures will be taken by the head teacher/principal/manager to protect the safety of those experiencing domestic abuse while travelling to work, whilst at work or when carrying out Trust duties.

Given the hidden nature of domestic abuse the Trust will seek to create an environment in which victims feel safe to speak out and access support.

Safety will always be the first priority of any intervention.

Confidentiality is also of crucial importance. The Trust will only involve other agencies or share information with the consent of the person concerned, unless there are exceptional circumstances, e.g. when disclosure is required by law or where the sharing of information is vital for the protection of children or adults at risk (including a victim who discloses abuse).

## **PROCEDURES**

Clear procedures have been developed to support the operation of this policy and these can be accessed via the link at the end of this policy.

The head teacher/principal/manager and all employees will be given clear guidance and training about their roles and responsibilities in implementing this policy and its associated procedures.

## **ROLES AND RESPONSIBILITIES**

The head teacher/principal/manager and all employees have a role to play in the successful operation of this policy.

**Employees who are affected by domestic abuse as victims or those causing harm are encouraged to:**

- a. Seek support and advice as soon as possible from relevant sources (see [http://www.cheshireeast.gov.uk/care-and-support/healthy-lifestyles/domestic\\_abuse/domestic\\_abuse\\_getting\\_help.aspx](http://www.cheshireeast.gov.uk/care-and-support/healthy-lifestyles/domestic_abuse/domestic_abuse_getting_help.aspx) for a list of frontline numbers and useful websites, or call the Cheshire East Domestic Abuse Hub local 24/7 helpline - **0300 123 5101**), or Staffordshire County Council – **0300 303 3778**; website: [www.new-era.uk](http://www.new-era.uk)
- b. Alert the head teacher/principal/manager to any home situation which may be impacting their work, welfare or work life balance, making clear the boundaries of confidentiality in all discussions. Any information disclosed will only be shared with the consent of the person concerned, except for the protection of children or adults at risk as above.
- c. Alert the head teacher/principal/manager to any risk issues which may pertain to the workplace.

**The head teacher/principal/manager will be responsible for:**

- a. Creating an open and safe environment which would encourage a dialogue about domestic abuse and the support mechanisms available.
- b. Inform the employee of local and national support services available and in particular give the Cheshire East Domestic Abuse Hub local 24/7 helpline – **0300 123 5101**, or Staffordshire County Council hotline – **0300 303 3778**.
- c. Being alert to signs and symptoms in employees' conduct or performance or attendance.
- d. Addressing the risk to and safety of the employee, their family and the school community as the first priority.
- e. Adopting a non-judgemental believing approach to disclosure.
- f. Making clear the boundaries of confidentiality in all discussions.
- g. Making such workplace adjustments as are conducive to the safety and performance of the employee.
- h. Signposting employees to other sources of support.
- i. Granting access to the relevant support mechanisms for employees who are also perpetrators of domestic abuse and who seek help voluntarily.
- j. Accessing training to support their work in this area.
- k. Dealing with any potential disciplinary issues connected with domestic abuse issues.

### **Employees concerned about colleagues are encouraged to:**

- a. Alert the head teacher/principal/manager to any concerns they may have regarding the safety and wellbeing or conduct of fellow employees.
- b. Support colleagues to access help by giving the Cheshire East Domestic Abuse Hub local 24/7 helpline – **0300 123 5101**; Staffordshire County Council helpline - **0300 303 3778**

### **CONDUCT OUTSIDE OF WORK**

Criminal charges or convictions or allegations against employees for offences of domestic abuse committed outside of working hours may result in disciplinary action being taken against the employee, up to and including summary dismissal. The Trust will carefully consider the circumstances in each case and conduct an investigation.

The Trust will need to ascertain whether or not the charge or conviction will affect or is likely to affect the suitability of the employee for their position or the school/Trust or reputation of the school/Trust or whether the charge or conviction could seriously undermine the trust and confidence that the Trust has in the employee.

### **EQUALITY**

The Learning Alliance will ensure that, when implementing the Domestic Abuse Policy, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the Policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

### **MONITORING**

Data relating to the operation of this policy will be collated and monitored periodically to ensure that the policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

## **DOMESTIC ABUSE PROCEDURE**

### **AIMS**

To give clear guidance to the head teacher/principal/manager and all employees on the actions to be taken where situations arise where employees are affected by domestic abuse.

To ensure that the head teacher/principal/manager and employee are clear about their roles and responsibilities in relation to situations of domestic abuse.

To seek to support employees who are experiencing domestic abuse as a survivor or victim and to promote accountability for those employees who are perpetrators of domestic abuse, supporting them to make positive domestic or behavioural changes.

Domestic abuse is a gendered issue in that the majority of victims are women and the majority of perpetrators are men. However, domestic abuse can be experienced by both men and women in a range of personal and family relationships. It occurs in every type of home, regardless of the individual's gender, sexual orientation, marital status, social status, disability, age, religion, belief or ethnicity.

There are forms of domestic abuse including:

- physical abuse, ranging from slapping, pushing, kicking or punching to stabbing, attempted murder or murder;
- sexual abuse, such as rape and non-consensual sex acts;
- emotional or psychological abuse, such as intimidation, isolation, verbal abuse, humiliation or degradation, not allowing visitors or phone calls, destruction of belongings, threat of legal sanctions; and
- financial abuse, denial of rights or restriction of personal freedom, such as withholding money or medical help.

### **POSITION STATEMENT**

The Trust recognises that domestic abuse is a form of discrimination and harassment which may adversely affect its employees and their families.

The Trust regards any form of domestic abuse as unacceptable and recognises it is a serious safeguarding issue for both adults and children.

Through its Domestic Abuse Policy and Procedure, the Trust seeks to ensure that domestic abuse is properly addressed as a recognised workplace issue.

### **PRINCIPLES**

Through this procedure, the Trust will seek to create an environment in which victims feel safe to speak out and access support, and safety will always be the first priority of any intervention.

Confidentiality will be paramount throughout the application of the procedure and information will only be shared with others where this is required by law or there are serious safety considerations.



[Working Together to Safeguard Children 2015](#) establishes three priorities in any intervention which guide the following procedures:

- to protect the child/ren, including unborn child/ren;
- to empower the mother to protect herself and her child/ren; and
- to identify the abusive partner, hold him accountable for his violence and provide him with opportunities to change.

## **CONFIDENTIALITY AND CONSENT**

Those experiencing domestic abuse may feel concerned about seeking the help of the head teacher/principal/manager or other colleagues. Individuals should feel assured that they can talk freely to a non-judgemental, empathetic and understanding listener.

It is likely that an employee has been managing their exposure to or harm caused by domestic abuse for some time and will be wary about any actions which follow their disclosure, including what information is recorded or shared.

It is important to provide clarity to the employee about what records will be kept of conversations and what action might need to be taken.

Action should only be taken and information should only be shared with the employee's engagement and consent except in the following circumstances where safeguarding is paramount:

- a. Serious risk of harm to a child (contact the Children's Assessment Team on 0300 123 5012).
- b. Risk of harm to an 'adult at risk' (contact the local SMART team).
- c. High risk of harm to the employee (refer to the [Domestic Abuse Family Safety Unit](#) on 01606 363532 for IDVA and MARAC services).

Refer to the [MARAC and Risk Assessment](#) for a list of indicators of high risk is contained in the Risk Indicator Checklist together with protocol authorising information sharing to reduce risk is available. The head teacher/principal/manager will find it helpful to familiarise themselves with these documents regardless of whether they formally undertake the risk assessment.

Employees should also be made aware that where they disclose that a crime has been or may be committed there may be a duty to pass information to the police. The head teacher/principal/manager should take advice from the HR Advisor/Manager in such circumstances.

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

Where employees agree to specialist support, the head teacher/principal/manager can contact Cheshire East Domestic Abuse Hub on 0300 123 5101, or Staffordshire County Council on 0300 303 3778. This 24/7 helpline number should always be given to those experiencing domestic abuse.

## **IDENTIFYING DOMESTIC ABUSE**

Victims of domestic abuse often find it very difficult to seek help and support and the Trust will, therefore, take a proactive approach to raising awareness of the issue and how situations should be handled in line with this procedure.

### **Creating an environment for accessing support**

This includes creating an environment which promotes zero tolerance to abuse through the use of posters, leaflets, policy promotion, information giving through employment handbooks, website, articles on domestic abuse in universal communications, involvement in multi-agency campaigns, e.g. White Ribbon Day (November 25<sup>th</sup>).

The Trust is also committed to ensuring that any employee who is the victim of domestic abuse has the right to and feels safe to raise the issue with their employer in the knowledge that they will receive the appropriate support and assistance.

### **Signs and symptoms**

The Trust will ensure that managers are aware of some of the signs that may indicate domestic abuse, for example:

- employee becoming withdrawn/depressed/isolated/stressed;
- frequent submissions of self-certified absences;
- reduced quantity/quality of work;
- conduct out of character;
- employee's partner frequently contacting them at work;
- visible signs of bruising/injury; and/or
- wearing of clothing that is inappropriate to weather (hiding physical evidence of abuse).

This list is not exhaustive.

In addition to the examples above, those who harm others may speak of 'stress or conflict at home' and 'anger issues'. 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.

## **SUPPORTING EMPLOYEES WHO ARE VICTIMS OF DOMESTIC ABUSE**

### **The Head Teacher/Principal/Manager's Role**

The head teacher/principal/manager should, both informally and formally through supervision, ensure that employees understand that the workplace is an environment where issues affecting their wellbeing can be confidentially disclosed in order to access support and advice.

The head teacher/principal/manager will, therefore, need to develop a sensitive approach to asking specific questions regarding home or relationship issues and to responding to any disclosures made to them by their employees.

Schools are reminded of the 'Four R's' approach:

- Recognise the problem
- Respond appropriately
- Refer on to appropriate help
- Record the details

When an employee has disclosed to the head teacher/principal/manager that they are being subjected to domestic abuse or there is a suspicion of a domestic abuse issue, the head teacher/principal/manager needs to take the following actions, as necessary:

- a) Ensure that any discussions that they have with the employees take place in private and are treated as confidential, as far as possible.
- b) Make clear to the employee that a manager's priority is to offer help to increase safety and support for the employee (and their family) and that confidentiality will only be breached under the circumstances above.
- c) Take the employee seriously, taking time to listen to her/him, adopting a believing and non-judgemental approach.
- d) Understand that an employee may wish to involve a third party, such as a colleague, trade union representative, or friend, rather than speak to the head teacher/principal/manager.
- e) Be aware that there may be a variety of discriminatory issues facing the employee because of their age, gender, sexuality, ethnic background, race or disability.
- f) Inform the employee of local and national support services available and in particular give the Cheshire East Domestic Abuse Hub local 24/7 helpline – **0300 123 5101**; Staffordshire County council - **0300 303 3778**.
- g) Be alert to indications of high risk and take action to safeguard anyone at risk as per the Confidentiality and Consent section above.
- h) Respect the choices the employee makes, being aware that it takes courage to both live with and to end an abusive relationship and that ending is almost always a process and not an event.
- i) Carry out a workplace risk assessment for both the victim and other employees and implement a workplace risk management plan in response.
- j) Enable the affected employee to remain productive and at work using mechanisms at the head teacher/principal/managers' disposal – this may include but is not limited to: flexible working hours, adjustments to workloads or working environment, reasonable time off to make arrangements, (for example meetings with a solicitor, making financial arrangements, schooling and housing), special leave procedure, access to counselling support, advances of pay etc.

- k) Keep in touch with the employee during any period of absence, maintaining confidentiality of their whereabouts at all times and alert police or other support agencies known to be involved with the employee if you cannot contact them in a pre-agreed manner.

The head teacher/principal/manager will respect the right of employees to make their own decisions on courses of action at every stage, other than where there is serious safeguarding or criminal concerns. It should be recognised that the employee may need some time to decide what to do and may try different options during this process.

The head teacher/principal/manager should also undergo training in domestic abuse, provided through the Cheshire East Domestic Abuse Partnership [www.cheshireeast.gov.uk/domesticabuse](http://www.cheshireeast.gov.uk/domesticabuse) and by the Safeguarding Children in Education Settings Team (SCIES).

### **Support for colleagues**

The head teacher/principal/manager will also need to be aware that they may be required to give support to colleagues of the abused person in order to:

- guarantee their safety if an abuser poses a threat to those who support their victim;
- ensure that their concerns for their colleague are appropriately channelled; and,
- minimise the impact on their academy's performance.

With the agreement of the employee concerned, colleagues should be advised of what they should say if the abuser rings or calls at the workplace. In cases of high risk it may be helpful to give colleagues a photo of the person presenting a threat or their car registration numbers, where this would help to maintain workplace security.

### **SECURITY MEASURES**

The security of employees in the Trust should be a prime consideration at all times, but in situations where an employee is being subjected to domestic abuse, it is important that workplace security for that employee and for other colleagues is appropriately enhanced.

Where, appropriate, the following actions may be taken to improve normal security measures within the academy:

- a. Keypad numbers, or in some cases locks, can be changed.
- b. Office/class layouts may be changed so that the employee being abused cannot be seen (by the perpetrator) from external windows.
- c. If necessary, a change of working patterns or times to ensure that the employee is at less risk on their journeys to and from work.
- d. Where the employee's job requires them to travel during the day, ensure that the systems for recording the employees whereabouts are adequate and, if appropriate, arrange for them to be accompanied by a colleague.
- e. Allow the employee to work from a different location for a period of time (if practical).
- f. Ensure that the individual academy/school reception and administrative employees and colleagues are fully aware that they must not reveal a colleague's personal information, e.g. address or phone number or their work location/whereabouts to unauthorised callers.

This list is not exhaustive and the head teacher/principal/manager may consider other security measures where these are considered appropriate.

## **DEALING WITH EMPLOYEES WHO ARE PERPETRATORS OF DOMESTIC ABUSE**

An employee will be regarded as being a perpetrator of domestic abuse if:

- a. They are charged, convicted or cautioned of offences involving domestic abuse.
- b. They come forward presenting concerns about their behaviour within an intimate or family relationship.
- c. There are allegations of domestic abuse made against them which are being investigated or in relation to which other agencies are offering support.

In these circumstances the perpetrator will be made aware that:

- a. Domestic abuse is a serious crime that can lead to a criminal conviction.
- b. Conduct outside of work, whether or not it leads to a criminal conviction, may also lead to disciplinary action against them in situations where it has employment implications and/or where it could be viewed as bringing the academy/Trust into disrepute. In such cases the facts will be considered taking account of:
  - the nature of the conduct in relation to the employee's role; and
  - the extent to which the post involves contact with academy children and the general public.
- c. The head teacher/principal/manager will need to take appropriate action to protect children, vulnerable adults or victims at high risk of serious harm as outlined in the Confidentiality and Consent paragraph above.

For issues relating to **children**, please refer to the Cheshire East intranet link:

[http://centranet.ourcheshire.cccusers.com/childrenandfamilies/Site%20Documents/Local%20Authority%20Designated%20Officer%20\(LADO\).pdf](http://centranet.ourcheshire.cccusers.com/childrenandfamilies/Site%20Documents/Local%20Authority%20Designated%20Officer%20(LADO).pdf)

Or the Staffordshire County Council link: [Safeguarding Practice Guidance - Staffordshire Safeguarding Children Board \(staffsscb.org.uk\)](http://staffsscb.org.uk)

Where there are issues relating to **adults** at risk, the head teacher/principal/manager must notify the local SMART team.

However, the Trust does recognise that it can have a role in encouraging and supporting employees to address problematic or offending behaviour of all kinds, and will treat any allegation or conviction on a case-by-case basis for disciplinary purposes. The Domestic Abuse Hub (Cheshire - **0300 123 5101**; Staffordshire - **01785 601690**) is a source of information, assessment and referral for those who harm others as well as those who are victims.

The Trust will not be involved in “mediation” between an alleged domestic abuse perpetrator and victims and other family members. The needs of employees who are perpetrators and their families should be dealt with separately.

Any employee who is found to be assisting an abuser in perpetrating abuse or who makes a malicious allegation that another employee is perpetrating abuse will be subject to a disciplinary investigation and, where appropriate, disciplinary action in line with the Trust’s Disciplinary Policy.

### **Criminal proceedings**

During employment with the Trust, employees are required to disclose immediately if they are convicted or cautioned for any offence that may be related to their employment. Where there is any doubt about whether or not the conviction/caution is related, employees should discuss this in confidence with the head teacher/principal/manager. If any employee is charged with any offence related to their employment they are strongly advised to discuss this in confidence with the head teacher/principal/manager.

### **Civil proceedings**

There is an expectation that a Trust employee 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**

Employees becoming aware of unreported incidents of domestic abuse, receiving allegations or having suspicions, should report the matter to the head teacher/principal/manager in the first instance.

### **Where both victim and perpetrator work for the Trust**

The Trust’s first priority is to address the safety and wellbeing of the children at the Trust and of the victim. The Trust also has responsibilities to the perpetrator as outlined above but will, in addition to considering disciplinary action, take steps to ensure that the perpetrator has no access to the victim in the course of their duties either physically or through shared documentation. The line manager of the alleged perpetrator will need to take responsibility for ensuring that a proper investigation is carried out, and will need to liaise with the manager of the victim to discuss and agree safeguarding issues.

Action may 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 of the employees or withdrawing the perpetrators access to certain computer programmes or classrooms/offices.

## **MAINTAINING RECORDS/MONITORING**

The head teacher/principal/manager should keep appropriate records of all cases relating to domestic abuse. This information should be kept strictly confidential and it will be made clear that recording domestic abuse will have no adverse effect on the victim's employment record.

Documentation relating to threats or incidents of abuse may be used if an employee wishes to press charges or apply for an injunction.

## **TRAINING**

Trust employees can access Level 1 and 2 Multi-Agency Domestic Abuse Training which is advertised on the training and resources pages of <https://www.cheshireeast.gov.uk/livewell/staying-safe/domestic-abuse-and-sexual-violence/domestic-abuse-training.aspx> and <https://www.new-era.uk>

## **FURTHER INFORMATION, SUPPORT AND RESOURCES**

Cheshire East Domestic Abuse Partnership: [cedap@cheshireeast.gov.uk](mailto:cedap@cheshireeast.gov.uk)  
Staffordshire: <https://www.new-era.uk>

## **EQUALITY**

The Learning Alliance will ensure that, when implementing the Domestic Abuse Procedure, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the procedure may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

## **MONITORING**

Data relating to the operation of this policy will be collated and monitored regularly to ensure that the policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

## **REVIEW**

The policy will be reviewed in the light of operating experience and/or changes in legislation.