

GWENT POLICE

GWENT POLICE DOMESTIC ABUSE WORKPLACE POLICY



1.0 Introduction

The Gwent Police Domestic Abuse Workplace Policy will be underpinned by external and internal procedures that will seek to robustly address issues of domestic abuse and related matters that are experienced by our personnel. The safety of victims of domestic abuse will be our priority and we will be compassionate and understanding of the needs of victims and their families. The Welsh National Strategy definition of domestic abuse is:

“Domestic Abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship.

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse’s or partner’s property, their isolation from friends, family or other potential sources of support, threats to others including children, control over access to money, personal items, food, transportation and the telephone and stalking.

It can also include violence perpetrated by a son, daughter or any other person who has a close or blood relationship with the victim/survivor. It can also include violence inflicted on, or witnessed by, children. The wide adverse effects of living with domestic abuse for children must be recognised as a child protection issue. The effects can be linked to poor educational achievement, social exclusion and to juvenile crime, substance abuse, mental health problems and homelessness from running away.”

Victims of domestic abuse suffer on many levels - health, emotionally, psychologically, financially, housing, education - and lose the freedom to live their lives as they want, and without fear.

Our internal procedure for domestic abuse acknowledges that whilst our personnel are intended to reflect the community we serve, there will be some employees who may be victims or perpetrators of Domestic Abuse, rape or serious sexual offences.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

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It should be understood that for some victims there are many barriers to reporting domestic abuse and / or rape and serious sexual assault and there are still high levels of under-reporting. This is particularly pertinent to police personnel for a variety of reasons. These may include:

- a fear that their colleagues might discover their situation,
- fear that the investigating officer will be known to them,
- embarrassment and concern that Line Managers and others will see them as people who make poor decisions, ,
- where the perpetrator is also an employee, fear that they might access reports or other information,
- fear of repercussions if the perpetrator is convicted and loses their job and pension rights.
- There may also be additional barriers for LGBT, male, and disabled victims.

This list is not exhaustive.

Domestic abuse and / or rape and serious sexual assault can have a devastating effect on a victim's personal life. The effects of domestic abuse do not stay at home when a victim comes to work, in fact, 75% of domestic abuse victims are targeted at work. It is possible for perpetrators to use workplace resources, such as phones, e-mail and other means, to threaten, harass or abuse their current or former partner.

There is a real cost to employers in terms of lost hours, ineffective productivity, mistakes, etc. coupled with the effect on colleagues who may also fear for their safety, be protective of victims, or fail to understand the reasons for increased absenteeism.

Gwent Police as a responsible employer will ensure an effective and supportive response to personnel who may be experiencing domestic abuse or may have experienced rape / serious sexual assault, in order to prevent and reduce occurrences, in addition to supporting the victims and their families. We will ensure that decisions are properly documented and that risk assessments occur at relevant stages within the investigative process.

Research has shown that the majority of victims of domestic abuse, rape and serious sexual assault do not report the allegation to police, regardless of who the perpetrator is.

Therefore it is essential to employ workable and confidential solutions which encourage the reporting of information or intelligence relating to suspected incidents of domestic abuse , giving due regard to the victim's and any children's continued welfare, safety, general well being and human rights.

Our external procedure acknowledges the prevalence of incidents and crimes of domestic abuse reported to police. Some of these incidents are serious cases of rape, assault, threats to kill and may involve stalking and harassment. The effects of domestic abuse and /or rape and serious sexual

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assault on the individual and any children within the relationship, whether directly abused or not, can have a devastating effect on their lives. Additionally, this can also affect extended family, friends and work colleagues who might become involved in the situation.

1.1 Aims of Policy

The aim of Gwent Police will be to:-

- Support Gwent Police personnel that disclose they are experiencing domestic abuse, in a sensitive and effective manner.
- Work with partners to reduce the number of domestic abuse incidents and increase the quality of service and support to victims through positive action, such as establishing systems for information sharing and co-operation in cases in which domestic abuse occurs in such cases for instance where a member of Gwent police personnel is the perpetrator.
- Secure inter force arrangements relating to investigations, information sharing or victim support.
- Establish and maintain a professional approach when dealing with incidents of domestic abuse as outlined in our external and internal procedures being aware of the risks involved and undertaking the necessary risk assessments.
- Have support systems to encourage partners, relatives and colleagues of police personnel perpetrators of domestic abuse to notify the police ensuring where necessary confidentiality.
- Respond to Police personnel who commit domestic abuse-related criminal offences in order:
 - a) To **protect** adult and child victims, potential future victims, members of the public, agencies/organisations and police personnel from further violence, serious injury and homicide
 - b) To ensure that police personnel who commit domestic violence-related criminal offences are **held accountable** through the Criminal Justice System (CJS) and are dealt with appropriately through internal misconduct procedures
 - c) To ensure the maintenance of **public confidence and the confidence of victims** in the policing of domestic violence and the integrity of the police service.
- Ensure that appropriate measures are in place to deal with police personnel who are arrested and detained in order to safeguard the integrity and effectiveness of the investigation, ensuring the

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involvement of the Professional Standards Department, and where guilt is established a presumption of dismissal.

- Re-assure victims and their families, by providing informative information that all reported domestic incidents will be investigated in a positive, sensitive and supportive manner, in order to secure a safe environment for those affected.
- Signpost the individual to specialist officers within Gwent Police and Independent Domestic Violence Advisers (IDVAs) as well as support groups listed in the Domestic Abuse procedure.
- Undertake where necessary community impact assessments and identify those incidents which are critical.
- Make full use of all current and relevant legislation when required and provide the necessary links between related policies, procedures, guidance and protocols.
- Help to eliminate discrimination, harassment and victimisation. Whilst advancing equality of opportunity as outlined in the Equality Act 2010.
- Ensure that actions taken are justified, strictly proportional to and the least intrusive and damaging option to the achievement of the organisations legitimate aims.
- Gather, secure and preserve all available evidence in order that offenders can be placed within the criminal justice system.
- Employ common sense and discretion in decision making and ensure such decision where necessary are documented.
- Robustly assess all available and relevant information and feasible options and ensure actions are monitored and reviewed and lessons learned.
- Ensure that our employment and vetting processes are orientated towards screening those individuals who may have a previous history of domestic abuse.

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2.0 The Legal Basis

The Human Rights Act 1998 gives effect to the European Convention of Human Rights in domestic law. It includes positive obligations on the part of public bodies to safeguard:

- an individual's **right to life** (Art. 2),
- an individual's **right not to be subjected to torture, or**
- **to inhuman or degrading treatment** (Art. 3) and
- the **right to private and family life** (Art. 8) free from violence and intimidation.

The European Court of Human Rights has made it clear that the police and other agencies with special powers to protect individuals from violence can be held liable for failure to use those powers (e.g. *Osman v UK* [1998] and *Z and Others v UK* [2001] *Van Colle and Another v Chief Constable Hertfordshire Police* [2007].) These obligations are clearly applicable in cases where police personnel are alleged to have committed domestic violence-related criminal offences or where police personnel are victims. Each and every decision to act or not to act must be taken bearing these obligations in mind. Protecting these rights may render proportionate the interference with another's right to, for example, privacy and, or family life (Article 8).

Supervisors are required to monitor individual performance in this area.

Section 11 of the Children Act, 2004 creates a legal duty for the police "to ensure [their] functions are discharged having regard to the need to safeguard and promote the welfare of children". This duty has particular relevance to domestic abuse where children are often both direct and indirect victims. Protecting children will be at the heart of our response to domestic abuse.

Chief Officers as employers have a responsibility under the Health and Safety at Work Act 1974 to ensure the health and safety of employees. Chief Officers are under a duty to ensure that reasonable steps are taken to ensure the safety of personnel at work, this duty also applies to police personnel that are victims of domestic violence or may have been a victim of rape or other serious sexual assault.

The Management of Health and Safety at Work Regulations 1999 requires employers to;

- Consider the risk to employees (including reasonably foreseeable violence)
- Decide how significant these risks are
- Decide what to do to prevent or control the risk
- Develop a clear management plan to achieve this

Gwent Police aims to support a work environment where an employee experiencing Domestic Abuse, rape or sexual assault, can seek practical

advice and assistance, in confidence, with the knowledge that the response will be sensitive and effective.

3.0 Human Rights Certificate of Compliance

The policy has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

This policy should aims to comply with the organisations Welsh Language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and Health and Safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Identification Section

Policy Title: Domestic Abuse Workplace Policy

Reference: 410/1a issue 1

ACPO LEAD: Chief Constable

Service Area Owner: Jointly with Head of Crime, Head of People Services Department, Head of Professional Standards Department

Department Responsible: Crime, People Services, Professional Standards

Links to other Policies/Procedure: Information Security, Data Protection, Media, Custody, Police Officer Misconduct, Disciplinary Procedure for Police Staff, Professional Standards Reporting, Vetting, Licence to Lead, Dignity at Work, Hate Crime, Community Impact Assessment, Critical Incidents, Sickness, Management of Police Information, Caught and in Court, NIM, Crime Recording, Tetra Alarm, CHIS, Child Protection, Serious Sexual Offences, Review of Homicide, Serious Crime and Road Deaths Investigations, Missing Persons, Repeat Victimisation, Management of Victim and Interview Suites, Critical Incidents, Surveillance, Witness Care, Vulnerable Adults, Threats to Life, Use of Internet as Investigative Tool, Diplomatic Immunity and Privilege, Victim Support Referral, Medical Statements, Sudden Death, Health and Safety, Stress, Management of Violence and Aggression, Interpreters.

Policy Implementation Date: 25 November 2011

Policy Review Date: November 2013