
Report to Partnership & Performance

Date of Meeting: 30 May 2019

Subject: HR/H&S Policies

Report by: Strategic Director: Partnership & Performance

1.0 Purpose

- 1.1 This paper seeks Committee approval of the undernoted policies and procedures.
- 1.2 All the policies and procedures have been developed by a management and trade union policy group.
- 1.3 It is intended that these policies and associated procedures shall apply to all Council staff.

2 Recommendations

- 2.1 The Partnership & Performance Committee is invited to approve the attached policies and procedures as appended.
 - 2.1.1 Reference Policy
 - 2.1.2 Reference Policy Summary Response
 - 2.1.3 Reference Procedure
 - 2.1.4 Reference Procedure Summary Response
 - 2.1.5 Smoking Policy
 - 2.1.6 Student Placement Procedure
 - 2.1.7 Domestic Abuse Policy

3 Considerations

- 3.1 HR Services continues, as part of its rolling programme, to review and update the Council's policies and procedures related to HR, H&S, OD and Payroll.

- 3.2 In order to ensure collaborative and partnership working the policy group which comprises representatives from management and Trade Unions meet regularly to review and agree proposed policies and procedures.
- 3.3 The policy on References was developed to provide a consistent approach to dealing with reference requests. This is to ensure that all references provided by the Council are only factual in nature and issued directly from HR.
- 3.4 The policy on Smoking has been revised to ensure a consistent approach to employees smoking within different areas of the Council. The tighter controls in the policy support the Scottish Government aim of having all grounds of public buildings smoke free.
- 3.7 The Smoking policy has been tabled at Tripartite previously on 29/11/17 with further update given on 28/03/18 and it was agreed that a revised paper be progressed once union agreement reached on content. Collaborative working has enabled an agreed policy to be tabled for consideration.
- 3.8 The Student Placement policy has been developed to provide more comprehensive guidance to all involved in the work experience process. This guidance ensures that all involved understand and benefit from the work experience process.
- 3.9 The policy on Domestic Abuse has been created to assist managers in dealing with employees experiencing domestic abuse as well as employees who may be perpetrators of domestic abuse who are employees of the council.

4 Sustainability Implications

4.1 None

5 Resource Implications

5.1 *Financial Details* N/A

5.2 *Staffing*

TUs have been consulted in the development of the policies and procedures.

6 Exempt Reports

6.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1: Reference Policy

Appendix 2:Reference Policy Summary Response

Appendix 3:Reference Procedure

Appendix 4: Reference Procedure Summary Response

Appendix 5:Smoking Policy

Appendix 6:Student Placement Procedure

Appendix 7:Domestic Abuse Policy

Appendix 8:Domestic Abuse Procedure

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Diana Kerr	HR Business Partner	01259 452180

Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director: Partnership & Performance	

Appendix 4



REFERENCES POLICY

Date: June 2018

Version: Draft

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Reference Policy
Date Issued:	June 2018
Date Effective From:	
Version Number:	0.1
Document Type:	Policy draft
Document Status:	Draft
Author:	Kimberley Dickson
Owner:	HR
Approver:	Council
Approved by and Date:	
Contact:	
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	June 2018	Draft	KD	N/A

REFERENCE POLICY

1. Introduction

- 1.1. The policy sets out Clackmannanshire Council's approach to references to current and former employees staff, aiming to ensure the Council meets its commitment to the fair, equal and consistent treatment for all staff with regards to references.

2. Policy Statement

- 2.1. Clackmannanshire Council is committed to being a fair employer and will deal with all reference requests in a reasonable and lawful manner.
- 2.2. The Council has no legal obligation to provide a reference in most cases but recognises that refusal to do so could be interpreted as an indication that there may be a problem with the individual, which might then disadvantage them from future employment
- 2.3. This policy applies to all members of staff and must be adhered to at all times when a request for a reference is received.

3. Responsibilities

- 3.1. The Strategic Director for Partnership and Performance has overall responsibility for implementing this policy and associated procedure.
- 3.2. HR will be responsible for issuing references for current and former employees using a standard template. References will not include personal opinion of performance or conduct.
- 3.3 Line managers will be responsible for sending all requests for references to HR to issue to ensure consistency.

4. Monitoring and Review

- 4.1. HR will monitor the effectiveness of the policy on an ongoing basis. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

5. Equality Impact Assessment

Policy Name	Reference Policy
Department HR	
Policy Lead	HR
Equality Impact Assessment	
Has an EQIA been complete	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Full EQIA complete	N/A
Date Approved	
Review Date	

Appendix 5

Reference Policy - Version 0.2

The undernoted summarises responses, whether agreed or disagreed and rationale. It also notes areas where clarity is sought or discussion needed within the policy group.

Addition/ Rejection	Section Comment	Union/ Management	Agree/ Not Agreed	Reason	Amendment made	
Addition 3.	Responsibilities	Update to relevant job title when structure known.	Management	Agree	Written pre changes to structure	Amended to Strategic Director for Partnership and Performance

Appendix 6



REFERENCES PROCEDURE

Date:

Version: Draft 1

DOCUMENT CONTROL SHEET:

Key Information:

Title:	References Procedure
Date Issued:	February 2018
Date Effective From:	
Version Number:	0.1
Document Type:	Policy draft
Document Status:	Draft
Author:	Kimberley Dickson
Owner:	HR
Approver:	Council
Approved by and Date:	
Contact:	
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	February 2018	Draft K.D		N/A

REFERENCE PROCEDURE

1. Introduction

- 1.1. Clackmannanshire Council recognise that it is regarded as good employment practice to provide all current and former employees with a reference when requested.
- 1.2. The Council has no legal obligation to provide a reference in most cases but recognises that refusal to do so could be interpreted as an indication that there may be a problem with the individual, which might then disadvantage them for future employment.
- 1.3. This process applies to all members of staff and must be adhered to at all times when a request for a reference is received.

2. Procedure

- 2.1. All requests for a reference from a prospective employer for single status staff should be immediately passed to an appropriate member of staff in the HR department, who will issue a standard written reference. All requests should be sent to humanresources@clacks.gov.uk.

It is the policy of Clackmannanshire Council to provide information on:-

- Job Title
- Dates of Employment
- Salary
- Contract Type

- 2.2. The Council will provide a reference where a written request is received on company headed paper, by e-mail or fax from a potential employer. This also applies to a financial reference request from a mortgage supplier. References will not include personal opinion of performance or conduct.

2.3. HR will aim to respond to reference queries within 5 working days.

2.4. Individual staff may be asked to provide a reference for a current or former colleague. If they agree to do so, then it must be made clear that they can only provide a personal reference and that they are not providing the reference on behalf of the Council.

2.5. References requested for Teachers are provided on a teaching report which should be submitted to and completed by the most recent Headteacher.

3. Data Protection

3.1 Providing personal data to a prospective employer about an employee or former employee will amount to processing for the purposes of the General Data Protection Regulation (GDPR) and other Data Protection laws. All data must be processed fairly and lawfully and in order to ensure this the request must be actioned by the Human Resources department.

3.2 Current and former employees will have the right, upon written request, to gain access to any record held about them, including references given.

3.3 A disclaimer will be included in the reference making it clear that, while the information provided is accurate to the best of the Council's knowledge, we cannot accept any liability for errors or omissions in the content of the reference or any decisions based upon it.

4. Monitoring and Review

4.1. HR will monitor the effectiveness of the procedures on an ongoing basis. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

5. Equality Impact Assessment

Policy Name	Reference Procedure
Department HR	
Policy Lead	HR
Equality Impact Assessment	
Has an EQIA been completed	Yes No*
<p>* In no please provide rationale</p> <p>Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics</p>	
Date Full EQIA complete	N/A
Date Approved	
Review Date	

Appendix 7

Reference Procedure - Version 0.2

The undernoted summarises responses, whether agreed or disagreed and rationale. It also notes areas where clarity is sought or discussion needed within the policy group.

Addition/Rejection	Section Comment		Union/Management	Agree/Not Agreed	Reason	Amendment made
Addition	2.6	1.1. Where employment has ended due to VS/VR/Mutual Termination the Council may agree to provide an alternative reference.	Union	Agree	As everyone going forward will have a standard reference this is no longer relevant and has been removed.	Removed comment

Appendix 5



SMOKING POLICY

Date: 2019

Version: Draft

DOCUMENT CONTROL SHEET:

Key Information:

Title:	SMOKING POLICY
Date Issued:	
Date Effective From:	
Version Number:	0.6
Document Type:	Policy draft
Document Status:	Draft
Author:	Chris Alliston
Owner:	
Approver:	Council
Approved by and Date:	
Contact:	
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
<u>0.1</u>		<u>Draft</u>		<u>N/A</u>

SMOKING POLICY

1. General Introduction

- 1.1. “The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006” has been in place for over 10 years now but cigarette smoking is still the largest single cause of serious ill health and premature death in Scotland. Similarly, the effect of people breathing in other people’s tobacco smoke, i.e. passive smoking, is an important health concern.

- 1.2. Great progress has been made in tackling the health inequalities caused by tobacco and it is becoming unfashionable to smoke. As such the Council encourages its staff to quit smoking entirely and for those not able to do so to reduce significantly the amount they smoke. For the purposes of this policy the Council treats all nicotine delivery devices which create vapour or fumes (including e-cigarettes), in the same way as cigarettes.

- 1.3. The Council recognises its role in promoting and exemplifying Scotland’s smoke free ambitions as recommended by the Scottish Governments “Creating a Tobacco-Free Generation – A Tobacco Control Strategy for Scotland” and the NHS/COSLA Smoke-free local authority implementation guidance.

2. Policy statement

- 2.1. The purpose of the Council’s smoke free policy is to:
 - a) Comply with the Smoking, Health and Social Care (Scotland) Act 2005 and The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006. This will also support the Council in complying

with the Health & Safety at Work Act 1974 and the Safety & Health of Pregnant Workers Directive (92/85/EEC).

- b) Support the 2013 Scottish Government recommendations that Local Authorities consider scope for extending smoking restrictions to outdoor areas within their jurisdiction (including vehicles parked on the grounds of Council property)
- c) Support the Scottish Governments Tobacco Control Strategy: Raising Scotland's Tobacco-free Generation: our tobacco control action plan 2018
- d) Reduce the risks associated with passive smoking by prohibiting smoking in all Council owned premises and designated outdoor areas within their jurisdiction
- e) Prohibit smoking in any Council owned or hired fleet vehicle and,
- f) Whilst private cars are exempt under legislation, smoking shall not be permitted in leased cars during authorised journeys on Council business

3. Smoke free council premises

- 3.1. Smoking is prohibited in all Clackmannanshire Council's premises and surrounding grounds. Public car parks to which staff have access are not included. Private car parks to which the public do not have a general right of access will only be included where prohibiting smoking supports wider policy aims such as in schools or nurseries.
- 3.2. Smoking is prohibited in Council owned or leased vehicles. Council employees should be completely outside of the vehicle should they need to smoke. Smokers must ensure that smoke does not enter the vehicle or can be inhaled by anyone who is using or who is currently situated in that vehicle.
- 3.3. The above applies to employees whether employed directly by Clackmannanshire Council, through an agency, by a contractor or other organisation, and includes Councillors, visitors, guests and any member of the public using Council premises.

- 3.4. Employees found smoking in contravention of this policy will be managed in line with the Council's Disciplinary Policy and Procedures.
- 3.5. All staff should be aware of The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act which came into force in December 2016 and bans smoking in private vehicles when children under the age of 18 are present.

4. Smoking during working hours

- 4.1. Employees who wish to smoke may do so in their own breaks such as lunch breaks or where agreed, official mid-morning or mid-afternoon breaks. Employees are not permitted to smoke whilst at work under any other circumstances although it is recognised that employees may wish to smoke whilst travelling between Council sites. Employees wishing to do so should ensure they are familiar with Section 3 of this policy. The Council would encourage employees wherever possible to consider their personal health on these occasions.
- 4.2. The practice of taking time away from work specifically to smoke is not permitted.
- 4.3. The sale of tobacco is prohibited in all Clackmannanshire Council premises
- 4.4. The policy applies equally to 'lit tobacco' products as well as Vapour producing instruments (often referred to as e-cigs) or any other nicotine based machines that produce vapour or fumes.

5. Policy for third party premises

- 5.1. Clackmannanshire Council has a duty of care to protect its employees but cannot control the smoking policy on third party premises. The Council will ask the Service User to arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, the Council will ask the Service User to refrain from smoking during the duration of the visit.

5.2. In circumstances where it is not possible to arrange a smoke free visit, employees should seek advice from their line manager, who should take all reasonable steps to protect them from exposure to second hand smoke.

6. Visitors to Council Premises

6.1. Visitors not adhering to the policy will be asked to comply or leave the premises or site.

7. Support for those who smoke

7.1. Staff members who wish to stop smoking should discuss their programme with their line managers to identify any reasonable support that the Council can provide.

7.2. In addition to Council run health promotion events free smoking cessation advice and local support groups can be gained by contacting:

- The NHS smoking helpline 0800 169 0 169
- QuitYourWay 0800 84 84 84 between 8am to 10pm 7 days a week
- visit NHS Inform for information on [Stopping Smoking](#)
- From GPs or practice nurses
- Clackmannanshire Community Health Centre
- Local pharmacies
- Request a quit pack <https://www.nhsinform.scot/healthy-living/stopping-smoking/help-to-stop/request-a-quit-pack>

8. Monitoring and Review

8.1. HR shall monitor the effectiveness of the procedures on an ongoing basis.. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions

Policy Name	Smoking Policy
Department HR	
Policy Lead	
Equality Impact Assessment	
Has an EQIA been completed?	Stage 1 <input type="checkbox"/> Stage 2* <input type="checkbox"/>
* If Stage 2 has not been completed please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Stage 2 EQAI complete	N/A
Date Approved	
Review Date	



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APPENDIX 9

STUDENT PLACEMENT PROCEDURE

Date: January 2019

Version: 0.2 Draft

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Student Placement Procedure
Date Issued:	
Date Effective From:	
Version Number:	0.2
Document Type:	Procedure draft
Document Status:	Draft
Author:	Dawn Goodwin
Owner:	Clackmannanshire Council
Approver:	Council
Approved by and Date:	
Contact:	
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	09.01.19	Draft	D Goodwin	
0.2	28.01.19	HR comments	D Goodwin	

1.0 Introduction

1.1 This procedure is to be used by managers who are considering requests for work experience. It covers a variety of circumstances.

1.2 As a major employer in Clackmannanshire, the Council accepts a responsibility to provide meaningful work experience as an opportunity for participants to gain an understanding of the requirements of the particular occupational area and increasing a student's skills and knowledge where they are placed.

1.3 The provision of work experience is considered to be an important public relations exercise for the Council in the local community, in addition to providing the opportunity to attract applicants to future positions.

2.0 What is not covered by this Procedure

2.1 Student internship placements – this policy is not applicable to students who are on placement as part of a higher education course or further study course, for example social work students or student teachers who are placed with schools in the Council, in conjunction with the relevant Services and their Universities. Separate procedures/arrangements are currently in place with services and course providers for these placements, and should be referred to as required.

2.2 Volunteers - are covered by a separate procedure. 2.3 Apprenticeships - are also not covered by this Procedure. Apprenticeships will be advertised locally on myJobScotland and individuals will be appointed through the Council's Recruitment and Selection procedure.

3.0 Examples of placements:

3.1 Work Experience

Placements from individuals who are in disadvantaged groups within the community, or under-represented in our workforce. This will help develop links

with the community, give useful work experience to individuals and bring an increased diversity to the workforce. The duration of the placement will be dependent on the needs of the individual, in conjunction with the Council's requirements.

3.2 School placements:

The Council will, if possible, provide work experience placements to students from schools within the Clackmannanshire area. Although some tasks may be performed it is more an opportunity to watch and learn. Students would be supervised by a nominated employee for the duration of the placement. The placement would normally be a maximum of 2 weeks.

3.3 Students who are undertaking a higher education course or further study course.

If ad hoc requests from students are received and can be accommodated, managers should contact the university/college to discuss the placement to determine if it is suitable and the student requirements can be met.

3.4 Work shadowing

Work shadowing is simply observing the activities of an employee(s) in their day to day job. Certain jobs will not be suitable for job shadowing due to the nature of the work and issues around health, safety and confidentiality. This would normally only last a few days but can extend to a maximum of 2 weeks. Work shadowing can help to give placements an understanding of the workplace and the job role that they are considering for a future career.

4 Approval of work experience placements

4.1 The Service Manager of the appropriate service will ultimately determine whether or not a work experience participant can be accommodated. Completion of Appendix 1 is essential for all work placement applications.

5 Duration of work experience

5.1 The duration of work experience should generally be:

- A maximum of 2 weeks for secondary school students
- A maximum of 12 weeks for other students and all other work experience placements.

This is usually conducted in a single block, however single or half days over a period of time may be approved at the discretion of the Service Manager in consultation with Human Resources.

6.0 Responsibilities

6.1 RESPONSIBILITIES OF THE SERVICE

The Service shall:

- Ensure that work experience/placement is not provided in operational areas that pose potentially serious occupational health and safety risks.
- Carry out and document risk assessments and ensure appropriate systems of work are put into operation.
- Ensure that supervisors are aware that their legal responsibilities and obligations under health and safety legislation extend to the person on placement.
- Ensure that prior to placement, appropriate training is undertaken by the person on placement to ensure they meet relevant occupational health and safety requirements.
- Ensure that work experience is not provided in areas that may compromise the confidentiality of the Council's business. Work experience placements will not normally have access to information maintained on Council systems.
- Ensure the participant has a clear understanding of roles and boundaries, including issues of confidentiality.

- Allocate a responsible person to supervise the placement, ensuring the mentor/supervisor has the resources and capacity to take on the role.
- Ensure that an appropriate induction programme is provided to ensure that the person on placement is introduced to organisational practices, procedures, including emergency procedures and can be fully supervised at all times.
- Ensure checklists are signed to record details of the induction process.
- Complete any required reviews for the work experience performance during the period of the placement.
- Consider if the placement opportunity can be used to contribute to service development, e.g. through projects that would not otherwise be possible.
- Ensure when offering placements which includes project work that this will not prevent a redeployee or other employee undertaking this.
- Make sure staff are aware of any specific role they may play in relation to the placement.
- Provide the work experience/person on the placement with details of the appropriate contact officer in case of emergency or inability to attend.
- Maintain records of the person on placement's attendance.

6.2 RESPONSIBILITY OF THE PERSON ON WORK PLACEMENTS

The work experience placement shall:

- Provide the Council with a completed Work Experience application form (Appendix 1) and any documentation from the relevant institution/organisation to demonstrate the work placement is an approved part of a relevant program or course of study.
- Comply with all Council Policy, procedures, relevant legislation and regulations and the reasonable lawful instructions of the work experience supervisor.

- Comply with Council's standards of professional behaviour including courtesy and confidentiality during the period of their work experience.
- Contact the Council officer designated as their supervisor during the period of the work experience within 30 minutes of the agreed starting time, should they be unable to attend on any particular day.
- Discuss any issues or concerns relating to the work experience activities assigned to them with the Council officer designated as their supervisor, the Council's Human Resources team and/or the work experience supervisor from the relevant institution
- Ensure that they are appropriately attired, taking into consideration the nature of the duties, occupational health and safety requirements and contact with the public.

6.3 RESPONSIBILITIES OF HR SERVICES

The HR team shall:

- Develop and maintain the policy and procedures associated with requesting and carrying out work experience placements.
- Store and manage any documentation obtained to support the work experience placement, including any contact details.
- Advise on any clearances required.

7.0 Miscellaneous

- Insurance – all staff, whether undertaking voluntary or paid/unpaid work, are covered by The Council's Employers Liability Insurance.
- ID badges will be provided for all students and will clearly state "Student/Work Placement"
- Where a Service has a vacancy which needs to be filled quickly, is of short duration, which may be suitable for students, the normal recruitment protocols should be followed.
- Payments are not made by the Council for work experience placements and participants will not have employment rights as a worker.

8.0 Processing Personal Data

8.1 The Council processes personal data collected as part of their Procedures, in accordance with its Data Protection Policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to individuals only for the purposes necessary to action and manage this policy.

9.0 Monitoring and Review

9.1 HR shall monitor the effectiveness of this guidance on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

For additional clarification please refer to your Service HR Business Partner.

Equality Impact Assessment

Policy Name	Student Placement Procedure
Department HR	
Policy Lead	HR
Equality Impact Assessment	
Has an EQIA been completed	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
<p>* In no please provide rationale</p> <p>Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics.</p>	
Date Full EQIA complete	
Date Approved	
Review Date	

|

Appendix 10

DOMESTIC ABUSE POLICY

Date: 30/01/2019

Version: 0.1 Draft

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Domestic Abuse Policy
Date Issued:	
Date Effective From:	
Version Number:	0.1
Document Type:	Policy draft
Document Status:	Draft
Author:	Kimberley Dickson
Owner:	Clackmannanshire Council
Approver:	Council
Approved by and Date:	
Contact:	
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	Jan 2019	Draft KD	N/A	

DOMESTIC ABUSE POLICY

1. Introduction

1.1 Clackmannanshire Council recognises that domestic abuse is a serious issue that affects the lives of many adults and children. Domestic abuse is unacceptable and inexcusable.

1.2 Any controlling, coercive, threatening or violent behaviour between those aged 16 or over, who are or have been intimate partners or family members, regardless of gender or sexuality, is defined as domestic abuse.

2. Policy Aims

2.1 The aims of the policy are:-

- to assist and support managers to identify and deal in an appropriate manner with employees currently experiencing domestic abuse;
- to assist and support employees who seek help in addressing problems arising from domestic abuse and ensure that these employees are responded to quickly, positively, and in confidence.
- to assist and support managers to identify and deal in an appropriate manner with perpetrators of domestic abuse and who are employees of Clackmannanshire Council

3. Scope and Responsibility

3.1 This policy applies to all employees of Clackmannanshire Council.

4. Processing of Personal Data

4.1 The Council processes personal data collected as part of this procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

5. Monitoring and Review

5.1 HR shall monitor the effectiveness of these procedures on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions

Policy Name	Domestic Abuse Policy
Department HR	
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics.	
Date Full EQIA complete	N/A
Date Approved	
Review Date	



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Appendix 11

DOMESTIC ABUSE PROCEDURE

Date: 30/01/2019

Version: 0.2

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Domestic Abuse Procedure
Date Issued:	
Date Effective From:	
Version Number:	0.1
Document Type:	Policy draft
Document Status:	Draft
Author:	Kimberley Dickson
Owner:	Clackmannanshire Council
Approver:	Council
Approved by and Date:	
Contact:	
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	Jan 2019	Draft	K.D	N/A
0.2	March 2019	Addition from Policy group	K.D	

DOMESTIC ABUSE PROCEDURE

1. Introduction

Clackmannanshire Council recognises that domestic abuse is a serious issue that affects the lives of many adults and children. Domestic abuse is unacceptable and inexcusable.

Any controlling, coercive, threatening or violent behaviour between those aged 16 or over, who are or have been intimate partners or family members, regardless of gender or sexuality, is defined as domestic abuse.

2. Definitions

Domestic abuse is not a one off incident but is an on-going pattern of behaviour. Once begun, the abuse and/or violence will repeat and will often get worse over a period of time.

- Physical violence - such as hitting, punching, kicking, strangulation, suffocation etc.
- Psychological and emotional abuse – names calling, intimidation, insulting, isolating you from friends and family, denying abuse, treating you as inferior, threatening to harm the children or take them away, hurting pets, undermining confidence, making racist remarks, making you feel unattractive, threatening suicide if you leave.
- Sexual abuse - such as rape, indecent assault, taking explicit photos or videos against your will or any other sexual act that you do not want to do.
- Financial abuse - controlling access to money, cars and other personal belongings, running up debts in your name etc.
- Stalking or harassment - such as following their victim, appearing at their home or workplace, repeatedly making phone calls, sending texts and emails.

This abusive behaviour may occur in a variety of relationships: married, separated, divorced, living together, dating, heterosexual, gay or lesbian, child on parent abuse and elder abuse.

Domestic abuse also includes Forced Marriage, so called Honour Based Violence and Female Genital Mutilation.

3. Recognising the signs

3.1 An employee approaching their Manager for help may not be the first sign that the employee is suffering from domestic abuse. As a Manager, you are in a unique position to observe your teams performance, behaviour and demeanour at work and you may have your own suspicions or have heard rumours from colleagues.

3.2 People experiencing domestic abuse may feel stigmatised and disempowered. They often do not want to admit or share their experiences because they feel some responsibility for their situation, they feel shame or they feel they should be able to deal with the situation on their own. It is unlikely that an employee who feels this way will admit that they are experiencing domestic abuse if confronted by their Manager. However, you should still ask the employee in a sensitive manner if everything is fine at home. This may be the lifeline someone needs.

3.3 If an employee's work performance and/or attendance become a cause for concern, you should ask for an explanation, as you would from any member of your team. It is then up to the employee whether they wish to disclose personal information during this or any future discussion with you. You should ensure that any discussion takes place somewhere private and try to ensure that there will be no interruptions. You should take time to listen, as you may be the first person the employee has told.

3.4 Out with formal discussions, other things you can do to spot the signs are:

- Look for sudden changes in behaviour such as an employee becoming withdrawn and quiet and/or changes in the quality of work performance for unexplained reasons

- Look for changes in the way an employee dresses for example excessive clothing on a hot day, changes to the amount of make-up used which may indicate the covering up of signs of physical violence
- Look for injuries such as bruises that are explained away; explanations for injuries that are inconsistent with the injuries displayed
- Look for other possible indicators, for example employees with a high absenteeism rate without explanation, employees who seem overly secretive regarding home life, or employees who appear to be isolated from friends and family
- Be aware of interruptions at work for example repeated upsetting calls/texts/emails or a reluctance to turn off mobile phone at work

4. Providing Support and Responding

4.1 Managers are not trained counsellors and are not expected to counsel employees experiencing domestic abuse, but should listen and provide information regarding support mechanisms and encourage the employee to seek support from appropriate agencies. Please contact your HR Business Partner for further information and support.

4.2 Effective 'first contact' responding includes some simple measures you can take:

- Believe an employee if they disclose that they are experiencing domestic abuse – do not ask for proof
- Speak to the employee about their immediate and future safety and assist them to think through their options for example agree a safety plan, discuss support networks, protection strategies and provide telephone numbers for organisations that can help including the police, women's aid, men's aid and rape crisis.

Reassure the employee that the Council has an understanding of how domestic abuse may affect their work performance and the support that can be offered.

- Undertake a risk assessment where relevant to ensure that the potential risk to employees and colleagues is lessened. Provide a range of practical workplace safety measures such as provision of temporary mobile phone, mutual agreement of a safe, confidential method of communication etc.
- Be aware of the parameters of your role as a Manager and make clear to an employee what you can and cannot provide

Providing support can include directing the employee to sources of support, both within the Council (e.g. Occupational Health Services, Employee Counselling Service, etc.) and out with as referred to above, and considering work related adjustments such as :

- Diverting phone calls or changing phone extension number if employee is receiving harassing calls, with the consent of the employee
- Agreeing with the employee what, if anything, to tell colleagues and how they should respond if their partner or former partner telephones or visits the workplace
- Ensuring the employee does not work alone or in an isolated area and checking that the employee has arrangements for getting safely to and from home
- Keeping a record of any incidents of abuse in the workplace, including persistent telephone calls, emails or visits to the workplace
- Supporting the employee in a sympathetic, non-judgemental and confident manner
- Granting reasonable paid or unpaid special leave for appointments where necessary and related to the employee's circumstances e.g. re-arranging housing or childcare, court appointments, solicitor, support agencies.
- Changing work patterns or adjusting workload for a temporary period to make it more manageable, or giving favourable consideration to any request for a change of workplace/work arrangements

- Reviewing the security of information held such as temporary or new addresses, bank or healthcare details
- With the employee's consent, advising colleagues of the situation on a need to know basis and agreeing the response should the perpetrator/alleged perpetrator contact the workplace or present themselves at the workplace
- At times when the employee needs to be absent from work, mutually agreeing a safe, confidential method of communication and consider safety implications that may arise when working from home
- Implementing particular security arrangements that may have to be put in place to ensure the safety of the employee and colleagues

5. Confidentiality and Recording

5.1 All advice, information and support should remain confidential. No information should be disclosed without the express written consent of the employee. However, Managers need to explain to the employee that where issues regarding the protection of children or the protection of adults in need of support arise, the child protection and the adult protection services will need to become involved without consent.

5.2 Managers should not post a copy of any correspondence to the employee; they should give a copy to the employee in person, as the abuser may have access to mail at home.

5.3 If any arrangements are made regarding changes to working hours/post/location the agreement and review date should be put in writing and a copy placed in the employee's Human Resources file. The reason for changes should be 'personal circumstance' and not full details of the situation.

6. Perpetrators of Abuse

6.1 Any employees who are alleged perpetrators of abuse within the workplace may be dealt with in accordance with the Council's Dignity at Work Policy and Procedure and where applicable the Council's Disciplinary Policy and Procedures.

6.2 Any employees who are alleged perpetrators of abuse out with the workplace may be dealt with in accordance with the Council's Disciplinary Policy and Procedures, if the allegations are considered to fundamentally affect the employee's suitability for the post which they hold with the Council.

6.3 Employees should inform the Council immediately of any cautions or convictions for domestic abuse. Failure to do so may itself be viewed as a disciplinary matter. An employee who is charged or convicted of a criminal offence may result in disciplinary proceedings being taken against the employee, up to and including summary dismissal.

6.4 Where an employee has made an allegation without foundation that another employee is perpetrating abuse, this will be viewed as a serious employee conduct issue and will be investigated and addressed where appropriate using the Council's Disciplinary Policy and Procedure.

7. Training

Courses are available on Clacks Academy to assist managers with developing soft skills to manage difficult conversations and help employees through difficult times. For further information contact HR or OD.

8. Monitor and Review

HR shall monitor the effectiveness of these procedures on an ongoing basis.
Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

Policy Name	Domestic Abuse Procedure
Department HR	
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics.	
Date Full EQIA complete	N/A
Date Approved	
Review Date	

