

# **Wales Negotiating Committee Further Education**

## **Joint Agreement on Domestic Abuse**

## **1. Context**

- 1.1. This agreement ensures that the Further Education Sector in Wales is compliant with regulations covering Domestic Abuse.
- 1.2. The Equality and Human Rights Commission's campaign 'Domestic Abuse Is Your Business – Break the Silence', sets out why action is needed in the workplace: <http://www.equalityhumanrights.com/wales/past-projects/your-business-workplace-policies-on-domestic-abuse-and-mental-health/domestic-abuse-is-your-business/>

## **2. Status**

- 2.1. This agreement has been jointly agreed between the trade unions and employers in the Wales Negotiating Committee Further Education.
- 2.2. This agreement is for use by individual Colleges in order to develop policy on domestic abuse. In determining local policy, normal consultation arrangements should apply with recognised trade unions in accordance with the terms set out in this collective agreement.
- 2.3. This agreement was impact assessed at a national level to assist Colleges in meeting the requirements of Equality legislation and the Welsh Language Act. The Equality Impact Assessment is detailed in Appendix 1. It is for each College to undertake their own equality impact assessment at local level.

## **3. Scope**

- 3.1. This agreement applies to all employees of Colleges in Wales.

## **4. Policy**

- 4.1. Whilst it is usually women who experience domestic abuse, this agreement applies equally to women and men.
- 4.2. Colleges acknowledge that domestic abuse is a crime, is disruptive and is socially harmful. It may have an impact in the workplace, and Colleges have responsibility for the health, safety and welfare of their staff and learners. It can affect an individual's work performance and does not discriminate on the basis of sex, class, race, age, disability, ethnicity, religion, marital status or sexual orientation.
- 4.3. The parties to this agreement are committed to:
  - heightening awareness of domestic abuse and providing guidance and support for employees and management;
  - promoting zero tolerance of domestic abuse against and by their staff ensuring that the working environment promotes the view that any form of domestic violence is

unacceptable and that such violence will not be condoned or made the subject of humour in any form;

- 4.4. Colleges recognise that every employee who is experiencing or has experienced domestic abuse has the right to raise and discuss the issue with their Line Manager and/or the Human Resources Department, in the knowledge that the matter will be dealt with in a sensitive, non-judgemental, confidential and effective manner.

## **5. Policy requirements**

The purpose of this agreement is to:

- 5.1 Ensure that those employees seeking assistance are confident that their situation will be handled seriously.
- 5.2 Assist and support employees experiencing domestic abuse including helping them to remain productive at work.
- 5.3 Aid managers in seeking to help team members experiencing domestic abuse assist colleagues of those experiencing domestic abuse.

## **6. Procedural requirements**

### **6.1 Circumstances**

- 6.1.1 Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter.
- 6.1.2 If an employee approaches their line manager, or another manager in the College about their abusive behaviour, Colleges will provide them with information about the services and support available to them and will encourage the perpetrator to seek support and help from an appropriate source.
- 6.1.3 Colleges will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case-by-case basis with the aim of reducing risk and supporting change in behaviour.
- 6.1.4 An employee who is cautioned or convicted of a criminal offence in relation to domestic abuse may be subject to the Staff Disciplinary Procedure. Colleges also reserve the right to consider the use of the Staff Disciplinary Procedure should an employee's activities outside work have a detrimental impact on their ability to perform the role for which they were employed and/or be considered to have brought the College into disrepute.
- 6.1.5 If a colleague is found to be knowingly assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones or email then they will be seen as having committed a disciplinary offence.
- 6.1.6 If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse, then this will be treated as a serious disciplinary offence and action will be taken under the Staff Disciplinary Procedure.
- 6.1.7 In cases where both the victim and the (alleged) perpetrator of domestic abuse work in the same institution, Colleges will take appropriate action. See 'Ensuring the Employee's Health and Safety' below.

- 6.1.8 In addition to considering disciplinary action against the (alleged) perpetrator, action may need to be taken to ensure that the victim and the respective parties do not come into contact in the workplace.
- 6.1.9 Action may also need to be taken to minimise the potential for the (alleged) perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change in duties for one or both employees, or withdrawing the (alleged) perpetrator's access to certain computer programs or offices.
- 6.1.10 It is recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship may choose to seek solutions jointly and in such situations, appropriate support should be given.

## **6.2 Confidentiality**

- 6.2.1 Once an employee has confided in their manager or a member of the Human Resources Department that they are experiencing domestic abuse, they should be reassured that this information will be kept confidential, as far as reasonably practical.
- 6.2.2 Confidentiality should only be broken if required by law.
- 6.2.3 Safe contact numbers and addresses should be agreed for the purposes of communication between the Colleges and employees.
- 6.2.4 An exception to employee confidentiality may arise in circumstances of child protection or in the protection of vulnerable adults from abuse. In these circumstances the manager must inform the employee that they are obliged to seek further advice in relation to the safeguarding of children or the protection of vulnerable adults.

## **6.3 Ensuring the employee's Health and Safety**

- 6.3.1 The main responsibilities of employers, staff and others for the health, safety and welfare of persons at work are defined in the Health and Safety at Work Act 1974, and the Management of Health and Safety at Work Regulations 1999.
- 6.3.2 Where an employee advises that they are experiencing or are at risk of domestic abuse an attempt should be made to assess whether there is a threat to their personal safety during working hours. A risk assessment should be documented and any mitigating actions identified and implemented.
- 6.3.3 When considering measures, the manager may have to take into account whether they are operationally viable. In all instances however, the health and safety of the employee, other members of staff and students should be the primary consideration.

## **6.4 Options to provide leave for employees experiencing domestic abuse**

- 6.4.1 Colleges may have a special leave policy which has provision to allow for some paid or unpaid leave to deal with situations of domestic distress. Requests from employees who have disclosed they are experiencing domestic abuse, for reasonable time off should be dealt with sympathetically and consistently.

- 6.4.2 Employees will be entitled to special leave to attend civil or criminal court hearings as a witness. They will also be entitled to special leave if they are required to attend court to seek an injunction against a perpetrator or alleged perpetrator of domestic abuse.
- 6.4.3 Managers must record applications for special leave in accordance with the Special Leave Policy and must uphold confidentiality by placing the records in a sealed envelope marked 'For Managers Access only' and filed within the employee's personnel file. Copies sent to the Human Resources Department must be sent in a sealed envelope, clearly marked 'Strictly Private and Confidential'.
- 6.4.4 Managers should be sympathetic and creative in exploring options with staff where it is necessary for them to arrange appointments during the normal working day. These appointments may include:
- appointments with support agencies e.g. Women's Aid, social services, counsellors
  - arranging re-housing
  - meeting with Solicitors
  - making alternative childcare or education arrangements, bank or finance advise

## 6.5 Compliance

6.5.1 To achieve the core aims and objectives of this agreement, Colleges will:

- publicise the Agreement by including it in the Employee Handbook/Policy Directory and by other methods which may include posters, leaflets and payslip messages
- enable staff to attend relevant training, including domestic abuse awareness training
- post information on the College intranet.

## 5 Monitoring and review

This agreement will be monitored and reviewed every three years by the Wales Negotiating Committee Further Education. Next review date February 2018.

**Wales Negotiating Committee Further Education**

**Joint Agreement on Domestic Abuse**

**SIGNATURES OF THE PARTIES TO THIS AGREEMENT**

- (a) ColegauCymru .....
- (b) AMiE .....
- (c) ATL .....
- (d) GMB .....
- (e) NASUWT .....
- (f) UCU .....
- (g) Ucac .....
- (h) UNISON .....
- (i) Unite – the Union .....

Date of Commencement of this Agreement:

March 2015