

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance
DATE	10 December 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Gender Based Violence policy
REPORT NUMBER	RES/19/420
DIRECTOR	Steven Whyte
CHIEF OFFICER	Isla Newcombe
REPORT AUTHOR	Keith Tennant
TERMS OF REFERENCE	Purpose of Committee 5 Remit of Committee 3.1

1. PURPOSE OF REPORT

- 1.0 The purpose of this report is to seek approval for the attached Gender Based Violence policy.

2. RECOMMENDATION

- 2.1 That the Committee approves the attached Gender Based Violence policy

3. BACKGROUND

- 3.1 A report to the Staff Governance Committee of 3 September 2018 indicated that the Council would explore the merit of producing an employment policy dealing with the effects of violence against women, following a request from the trade union Unison.
- 3.2 The Interim Chief Officer – People and Organisation (in post at the time) was asked to consider the request and report back to the Committee on whether such a policy was required and if so to arrange to produce a document for consideration.

- 3.3 The report also mentioned that the Council was assessing possible participation in the 'Equally Safe at Work' pilot employer accreditation programme, which is concerned with addressing gender inequality and violence against women.
- 3.4 It has since been confirmed that the Council was accepted to join the pilot group of councils undertaking the accreditation programme and has been progressing with this during the year, through the application of an action plan approved by 'Close the Gap', (the overseeing organisation). This has involved various activities including policy review, data gathering, awareness raising and training.
- 3.5 The aim of the programme is to support employers in reviewing workplace culture and ensuring that policies and practices are enhanced to address the barriers that women face at work. The potential benefits of participation include having a wider range of skills, experiences and perspectives; being able to recruit from a wider talent pool; increased employee retention rates and enhanced performance of the public-sector equality duty.
- 3.6 The Council is committed to ensuring gender equality in the workplace and preventing violence against women and being a part of the 'Equally Safe at Work' programme will assist in meeting these aims. It also recognises the link between women's labour market inequality, violence against women and wider gender inequality. The organisation is aiming to create a supportive environment for victims and survivors of violence to encourage disclosure, and to foster a culture of zero-tolerance of violence against women.
- 3.7 There is evidence to support a correlation between gender equality at work and improved business performance. There is also evidence of the benefits of providing flexible working and the gains where women's under-used skills are more effectively utilised, particularly in areas where there are concentrations of females in certain jobs.
- 3.8 One of the criteria of the 'Equally Safe at Work' programme is the development of an employment policy covering violence against women. This therefore accords with the Unison request mentioned in 3.1 above.
- 3.9 It was confirmed by the Chief Officer – Organisational Development that there was a need for such a policy in the Council, in line with our involvement in the 'Equally Safe at Work' programme. It should indirectly assist with improving staff performance, attendance and help reduce labour turnover.
- 3.10 Having a policy in place will provide employees with defined routes to disclose that they are experiencing gender-based violence and allow for a discussion with a manager (or appropriate other) to agree relevant support measures to keep the employee safe at work and to assist them more generally in relation to the difficulties they may be facing. The attached document has therefore been compiled for consideration by Committee.
- 3.11 The new corporate policy template has been used with the headings populated with appropriate wording. Sections on manager and employee responsibilities have been added to the document detailing what is expected of each, as well

as a section on core principles. The requirements of the 'Equally Safe at Work' programme have also been considered including a definition of gender-based violence, a statement confirming zero-tolerance, mention of confidentiality and reference to the management of perpetrators.

- 3.12 If approval is given, the policy will be implemented, and appropriate communication undertaken to ensure that employees and managers are aware of its content. A separate set of guidance notes will accompany the policy giving fuller details on its application. The guidance notes have been developed in consultation with the trade unions and the Equality Ambassadors Network and have been through CMT.
- 3.13 The guidance notes will include the routes and process for disclosing gender-based violence; advice on identifying gender based violence; risk assessment and safety planning; possible measures to ensure an employee remains safe in the workplace and other general support; details of external agencies employees can consult for support and advice; and the management of perpetrators of gender based violence.
- 3.14 At the Staff Governance Committee of 18 March 2019, it was noted that there was a general interest in a 'safe leave' provision which would offer employees experiencing domestic abuse time off to access help and support without it affecting their finances or using annual leave. It was requested that this be investigated as part of the work being undertaken on the violence against women policy and then reported back to Committee.
- 3.15 This was considered as part of the development of the policy and it was decided to include provision for paid time off for employees experiencing gender-based violence of up to 3 days' special leave.
- 3.16 The purpose of the leave would be to allow for time off requirements an employee has in relation to practical arrangements directly linked to their experience of gender-based violence e.g. attending an appointment with a support organisation to seek advice in relation to domestic abuse; arranging for alternative accommodation where it has been necessary to move home due to gender-based violence; or participating in a police investigation into the gender-based violence as the victim. Special leave could have been used for this purpose prior to this policy being developed, but this provision will give managers and staff more clarity in relation to its availability.
- 3.17 It is a decision for the Council how much paid special leave is offered. It is considered that 3 days is appropriate to begin with, subject to review in future, if this is thought to be too low. It should be noted that such leave is not commonly offered in the UK at present. Countries such as Canada, Australia and New Zealand offer between 5 and 10 days paid leave as a national policy. Offering such leave is one of the criteria for the Gold level of the Equally Safe at Work employer accreditation, rather than the Bronze level, which the Council is currently working towards.
- 3.18 It should be noted that the reason for the leave will be recorded as 'special leave' on the Council's system, for reasons of confidentiality and to avoid any

possible stigma associated with applying for the leave. Details of the process of applying for the leave will be contained in the guidance notes.

- 3.19 At Committee on 3 September 2018 the Convenor also proposed that a wider review in respect of violence in the workplace be considered. Members should note that there already exists a ‘Violence and Abuse Towards Employees policy’ which is concerned with service user/members of the public violence against employees.
- 3.20 This policy is part of the Health and Safety suite of policies and therefore its review would be the responsibility of the Governance Function. Accordingly, the Chief Officer – Governance has been informed of the Convenor’s proposal and will arrange for that policy to be checked as to its fitness for purpose and reviewed if necessary, (with Committee informed of the outcome). If it is identified that a revised policy is needed or wider measures required, this will be the subject of a future Committee report.

4. FINANCIAL IMPLICATIONS

- 4.1 Offering employees up to 3 days paid leave for practical arrangements related to gender-based violence, will have a financial implication for the Council, with this being an expansion of the current special leave provisions. As the likely take up of the provision is unknown, it is not possible to quantify the cost of offering this leave in terms of lost productivity. Its use will be monitored once in place.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct Legal implications arising from the recommendations of this report, although having a policy in place on gender-based violence will assist the Council in meeting its general and specific duties under the Equality Act.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	Potential financial risk if there were instances of gender-based violence occurring in the workplace that were not addressed, meaning that harassment and other claims against the Council could occur,	M	The approval of this new policy will help to mitigate this risk, helping to ensure that the Council’s welfare and health and safety responsibilities to employees are met reducing the chances of cases and tribunals arising.

	which can be costly if a case is lost at tribunal.		
Legal	There is a risk of the Council not fully meeting its responsibilities under the Equality Act if the policy were not implemented.	M	The approval of this new policy will help the Council to meet its general and specific duties under the Equality Act.
Employee	Managers and employees not being fully aware of their responsibilities in relation to gender-based violence in relation to work.	M	The approval of this new policy will help to ensure that managers and employees are fully aware of their responsibilities in relation to gender-based violence and work.
Customer	There are no customer related risks.	N/A	N/A
Environment	There is no environmental risk.	N/A	N/A
Technology	There is no technological risk.	N/A	N/A
Reputational	Potential reputational damage risk if cases of gender-based violence were to occur in the workplace that were not addressed, which could result in negative publicity for the Council if employment tribunals were to occur.	M	The approval of this new policy will help to mitigate this risk, helping to ensure that the Council's welfare and health and safety responsibilities are met and reduce the chance of tribunal cases occurring.

7. OUTCOMES

Design Principles of Target Operating Model	
	Impact of Report
Workforce	Links to the 'Workforce' design principle in that having a policy in place that provides support to victim-survivors of gender-based violence should assist in ensuring that the Council has an engaged workforce contributing positively to its outcomes and delivery of services to customers. It should also assist in

	contributing to a positive culture and hence with the retention of staff.
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8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA required. No adverse equality or human rights issues were identified from the assessment.
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

Equally Safe at Work employer accreditation programme handbook

10. APPENDICES

Appendix 1 – Gender Based Violence policy

11. REPORT AUTHOR CONTACT DETAILS

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