

Police Officer Staff Domestic Abuse Policy



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Section 1 – Policy Intentions

1.1 - It is the policy of the Police and Crime Commissioner and Chief Constable for Police and Crime Commissioner and Chief Constable for Gloucestershire that Police Officers and staff who commit domestic abuse related offences should not be seen or treated as distinct from any other perpetrator and should be investigated and held accountable through the criminal justice system. It is recognised however, that given the status that is held by Police officers and staff, some additional measures are required to protect both the victim, witnesses and suspect, in ensuring a fair and impartial investigation is conducted.

1.2 - This policy applies to all Police Officers and staff of **all** ranks and grades including Special Constabulary. The policy also affects applicants applying to join the Office of Police and Crime Commissioner (OPCC) or Constabulary as a Police Officer or member of staff

1.3 - This policy also provides guidance on how line managers and staff ought to respond to victims of domestic abuse who are police officers and staff.

Introduction

The Association of Chief Police Officers (National Police Chiefs Council) (NPCC)) circulated a policy for police staff perpetrators of domestic violence (now termed 'abuse') on 19 November 2004, and a draft paper was submitted to Senior Officers' Conference (SOC) in December 2004, which supported the principle of a policy on this matter for police officers and members of the Special Constabulary. This policy was not retrospective. SOC in September 2005 wished the policy to include police staff members. The Police and Crime Commissioner, following his

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introduction, wished this policy to apply to his staff. This policy therefore relates to all officers, staff and Special Constables, following consultation with Unison. National Police Chiefs Council (NPCC) provided further guidance for police officers and staff as victims of domestic abuse which was implemented in 2008.

This policy was further amended following the Police Super-Complaint concerning 'Police Perpetrated Domestic Abuse' in 2020.

It is the duty of the Police Service to investigate all reports of domestic abuse related criminal offences and the decision of the Crown Prosecution Service (CPS) to prosecute domestic abuse offenders. **It is not the decision of the victim or any other person who reports the offence.**

As an employer, the constabulary owe a duty of care to employees and have a legal responsibility to provide a safe and effective work environment. Preventing and tackling domestic abuse is an integral part of this.

We support this policy, which clarifies our position relating to;

- Recruits
- Perpetrators of domestic abuse
- Victims of domestic abuse
- The responsibility of all staff when they are aware of incidents of domestic abuse

Domestic Abuse - Definition

The Cross-Government Statutory Definition was introduced as part of the Domestic Abuse Act in 2021. Domestic Abuse is defined as;

Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if— (a) A and B are each aged 16 or over and are personally connected to each other, and (b) the behaviour is abusive.

Behaviour is "abusive" if it consists of any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse (any behaviour that has a substantial adverse effect on B's ability to— (a) acquire, use or maintain money or other property, or (b) obtain goods or services)
- psychological, emotional or other abuse;

It does not matter whether the behaviour consists of a single incident or a course of conduct.

Definition of 'Personally Connected': two people are "personally connected" to each other if any of the following applies:

- they are, or have been, married to each other;

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- they are, or have been, civil partners of each other;
- they have agreed to marry one another (whether or not the agreement has been terminated);
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- they are, or have been, in an intimate personal relationship with each other;
- they each have, or there has been a time when they each have had, a parental relationship in relation to the same child;
- they are relatives;
- A is a carer for B who is a disabled person.

Children (anyone under the age of 18) as victims of domestic abuse is defined as;

A child who (a) sees or hears, or experiences the effects of, the abuse, and (b) is related to A or B (as per the above definition of DA).

A child is related to a person if— (a) the person is a parent of, or has parental responsibility for, the child, or (b) the child and the person are relatives.

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.”*

Controlling and Coercive behaviour is a statutory offence within itself.

*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.

Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family. ¹

Section 2 – Policy wording

Applicants to Gloucestershire Constabulary

Any applicant with a proven history of domestic abuse will not ordinarily be considered for the office of Constable or as a member of the OPCC or police staff. Any applicant with a proven history of domestic abuse will be subject to a decision made by the vetting process. Any decision to accept

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an applicant with a proven history of domestic abuse will be fully recorded and will be based upon the following considerations;

- The likelihood that the applicant's performance of duty would be adversely affected, e.g. through adverse pressure or conflict of interest;
- The nature, number and seriousness of the offence or involvement in criminal activity and the time period in which these took place;
- If the circumstances are likely to bring discredit to the force or cause embarrassment;
- If the existence of the conviction would generally induce a conflict of interest in the discharge of the applicant's duties.

Section 3 – Procedural guides

Reports of Domestic Abuse perpetrated by Officers and Staff

Where a report is made that indicates the domestic abuse suspect is a police officer or member of police/OPCC staff, the below processes are to be followed:

Support to victims

We will provide support to partners, relatives and colleagues of Police Officer/OPCC/Police staff perpetrators of domestic abuse as appropriate. Those reporting will be offered welfare and support services via the Occupational Health Unit and other units (e.g. Domestic Abuse officers (DAST) and those working on the Community Protection Teams) as appropriate.

Also independent advisory services may² be offered, such as;

Gloucestershire based support service:

- Gloucestershire Domestic Abuse Support Service (GDASS)
Phone: 01452 726 570
Email: support@gdass.org.uk
<https://www.gdass.org.uk/>
- STREET Gloucestershire (for those aged 13+)
Contact via GDASS
Online referral form: <https://www.gdass.org.uk/street-online-referral-form/>

National Support Services:

- The Freephone 24 Hour National Domestic Violence Helpline (support via Refuge and Women's Aid)
Freephone: 0808 2000 247
www.nationaldomesticviolencehelpline.org.uk

¹ Previous definition made no reference to controlling/coercive behaviour

² "May" rather than "will". Allows for discretion based on the circumstances of the referral. Additional agencies added.

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- ManKind (Male Victims),
Helpline: 01823 334244
<http://www.mankind.org.uk/>
- National LGBT+ Domestic Violence support
Helpline: 0800 999 5428
Email: help@galop.org.uk
<http://www.galop.org.uk/domesticabuse/>
- Bright Sky App
Bright Sky is a mobile app and website for anyone experiencing domestic abuse, or who is worried about someone else.
The app can be downloaded for free via the app stores.
<https://www.hestia.org/brightsky>

Victims of domestic abuse should be given a full explanation of the force policy relating to Police Officers and staff who commit domestic abuse related criminal offences and kept fully informed about the progress of internal investigation and misconduct processes.

It is the responsibility of the Investigating Officer to ensure that such appropriate welfare and support has been provided as well as any necessary safeguarding measures that help protect the victim. Safeguarding measures can be discussed with the Domestic Abuse Safeguarding Team (DAST).

Responding to Domestic Abuse Suspects that are Police Officers, Staff/OPCC staff

If reported, it must be remembered that it is the duty of the Police Service to investigate all reports of domestic abuse related criminal offences and the decision of the Crown Prosecution Service to prosecute domestic abuse offenders. **It is not the decision of the victim or any other person who reports the offence.**

Upon receipt of a report where the **suspect** is a police officer or member of police staff, the following immediate action should be taken

- The first recipient of information reporting a domestic abuse incident involving a police suspect should refer the information immediately to a supervising officer, normally of the rank of Inspector or above ('The Inspector'). The Inspector will ensure that the allegation is investigated in compliance with the force Domestic Abuse Policy, and in line with this policy.

Police Officers, OPCC and Police Staff who commit domestic abuse related offences should not be seen or treated differently from any other perpetrator and should be investigated and held accountable through the criminal justice system in the same way as

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any other person. It is recognised however, that given the status that is held by Police officers and staff, some additional measures are required to protect both the victim, witnesses and suspect, in ensuring a fair and impartial investigation is conducted.

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The **Investigating Officer**, for cases where a police officer or staff member is suspected of committing domestic abuse related criminal offences will consider the following issues;

- Risk factors relating to the victim and any children
- Risk factors relating to the suspect
- Risk factors for other staff in the organisation (i.e. organisational impact)
- Public protection issues
- Community Impact Assessment (CIA)
- Public confidence and reassurance issues
- Media strategies

Advice should be sought where necessary.

Responsibilities

The Inspector is responsible to determine **who** needs to be informed of the allegation on receipt of the report, **and** the timing of that referral. Those who will be informed (immediately where necessary or otherwise on the next working day) are:

- Professional Standards Department (PSD), who will inform the Assistant Chief Constable, Chief Executive if relating to OPCC staff, Human Resources lead, and the Independent Office for Police Conduct (IOPC);
- Business area Commander or Departmental Head of the alleged perpetrator or on call Silver Commander.
- Detective Inspector, Child Abuse Investigation Team (if applicable)
- Occupational Health, to consider the welfare of the victim and alleged perpetrator.

It is the responsibility of the Professional Standards Department (PSD) to inform the ACC of such cases, although out of hours the on call Silver should liaise with the on call National Police Chiefs Council (NPCC) officer where applicable. The ACC (on call National Police Chiefs Council (NPCC) officer) will consider whether the officer should be suspended or moved to restricted duties in accordance with the force suspension guidance. If the alleged perpetrator is a member of OPCC or police staff this decision will be made in accordance with the OPCC and police staff discipline code.

The PSD (or on call Silver) should consider whether the Independent Office for Police Conduct (IOPC) should be informed. IOPC Statutory Guidance (2010) states that the IOPC expect forces to voluntarily refer complaints or incidents where there are serious concerns or exceptional circumstances that may have a significant impact on public confidence. This could include an allegation of domestic abuse by a member of the police service. Urgent referrals can be made

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via the telephone number held in the Force Control Room. Non-urgent referrals will be made by PSD.

Cases of domestic abuse related criminal offences have clear implications on public confidence in the OPCC and Police Service and this should be considered when making suspension decisions. The Force Suspension Matrix should be used by Chief Officers to guide decision making for officers, and advice from Senior Human Resource Advisor (SHRA) and referral to the discipline policy for OPCC and police staff.

If the investigating officer requires the assistance of any or all of the above named, then contact should be made immediately, whether in or out of hours.

If the suspect is a Chief Officer then the Head of the Professional Standards Department should be contacted for guidance.

In accordance with Home Office and National Police Chiefs Council (NPCC) policy, police forces should not be involved in mediation between an alleged domestic abuse offender and other family members. The welfare needs of police officers, OPCC and police staff and their families should be reviewed and managed professionally providing appropriate support if required to all parties involved.

Self-Disclosure by Officers and Staff Committing Domestic Abuse Related Criminal Offences

Officers or staff who disclose to any member of the Police Service that they are personally committing domestic abuse related criminal offences are not entitled to confidentiality. Proactive contact with occupational health or trade union by a perpetrator will be assessed and a decision to report to the police or not will be made based on an assessment of risk and documented. However, as stated above, the conduct of those employed by the OPCC and Constabulary has an impact on public confidence, and has a direct consequence on the victim. All other reports of such criminal conduct must be treated as an admission of crime and investigated as such. Police officers who commit domestic abuse related offences should not be seen or treated as distinct from any other perpetrator and should be investigated and held accountable through the criminal justice system **in the same way as any other person.**

All police officers and staff who receive such a disclosure by a colleague must immediately report the disclosure to a supervising officer, as stated above.

Notification of Domestic Abuse Related Civil Court Orders

Any police officer or member of police staff who is subject to a domestic abuse related Civil Court Order must notify the Professional Standards Department with immediate effect. The PSD, in consultation with the ACC (Organisation) will determine if a misconduct investigation will subsequently take place for officers, whilst the LPA Commander, Departmental Head, will take this decision in conjunction with the SHRA for OPCC and for Police staff.

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Role of Chief Officers

The Assistant Chief Constable (Organisation) must be notified of all allegations of domestic abuse related criminal offences where a police officer or member of police staff is the alleged offender, and the Chief Executive must be notified in relation to OPCC staff. The responsibility for initial notification falls to PSD, or out of hours Superintendent.

The decision to suspend an officer or place restrictions on their duty will be that of the Assistant Chief Constable (Organisation) (out of hours, on-call COG officer). Any decision to suspend or restrict duties will be reviewed in line with the Police (Conduct) Regulations 2020. The Business area Commander or Departmental Head will review OPCC or police staff who are suspended.

Reviews of Investigation

At the conclusion of each investigation the Detective Inspector responsible for Domestic Abuse³ will audit the process of the investigation, the action followed and the outcomes of such cases. Any organisational learning from this audit will be actioned.

Where an incident or Unifi record has been created when a police officer or member of staff is the suspect of a domestic abuse related criminal offence, the Detective Inspector, Anti-Corruption Unit (ACU) will be responsible to monitor access to such records. Where access has been gained to the records for non-policing purposes this will be reported to the Complaints & Misconduct section of the Professional Standards Department who will determine what, if any, misconduct or criminal offences will be investigated.

Investigating Officer

In line with force policy on the investigation of criminal offences by police officers, the investigation will be conducted by an officer of a higher rank to that suspected on a different business area from the suspected officer, ⁴and due consideration for the CID taking primacy for the case where appropriate. The Investigating Officer should not have social, financial or other connection (whether or not within the work environment) with the suspect. This is necessary so that, on objective appraisal of the material facts, a legitimate fear could not be raised that the investigation was not carried out impartially.

The investigating officer will ensure that the victim is kept updated in the progress of the investigation. The victim's views will be sought as to whether their line manager or departmental head is informed. A clear distinction should be drawn between what the police are investigating (i.e. a potential criminal offence) and the fact that the OPCC or Constabulary employs the victim.

³ *Request clarification as to whether this is still correct or whether to utilise Duty Detective Inspector (Investigations)*

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⁴ *Consideration for CID as the most suitable department for a Constabulary Office/employee being a DA suspect in a criminal investigation*

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Arrest and Detention

The force policy relating to the arrest of alleged domestic abuse offenders should be applied in cases when a police officer is the suspect. **It is reiterated that police officers and staff who commit a domestic abuse related offence should not be seen or treated differently from any other perpetrator and should be investigated and held accountable through the criminal justice system in the same way as any other person.**

It would be best practice for the alleged offender to be held in custody in a different Police Force area where practicable and in accordance with the Police & Criminal Evidence Act 1984 (PACE)⁵. Where this is not possible,

It is recognised however, that the fact that an alleged offender is a member of the OPCC or Constabulary may not be apparent until such time as they have arrived at a custody suite.

Criminal Investigations and Internal Procedures

It is the duty of the Police Service to investigate members of the Service for domestic abuse related criminal offences and the decision of the CPS to prosecute police officer domestic abuse offenders. **It is not the decision of the victim or any other person who reports the offence.** Whilst it is imperative that the Professional Standards Department are informed at the initial stages of an allegation or report of domestic abuse where a police officer or staff member is the suspect, the criminal investigation should always have primacy over an internal investigation. It is the responsibility of the Investigating Officer to ensure that appropriate steps have been taken to protect victims and witnesses from intimidation and further victimisation.

Where a decision has been made by the Assistant Chief Constable (or in their absence the on-call National Police Chiefs Council (NPCC) officer), the on-call Silver, or the Business area Commander relating to suspension, such decisions should be communicated to the victim for safety planning purposes.

Domestic Abuse related Criminal Convictions

In cases where a criminal prosecution results in a conviction of a police officer or staff member of a domestic abuse related offence, officers should be aware that the National Police Chiefs Council (NPCC) policy states a presumption towards dismissal.

The misconduct panel, in reaching their decision may consider such factors as:

- Protecting adult and child victims, potential future victims, members of the public and staff from the effects of further abuse, serious injury and homicide;
- Ensuring that police officers who commit domestic related criminal offences are held accountable;
- Upholding public confidence in the integrity of the Police Service as a whole;

⁵ It would be best practice for the alleged offender to be held in custody at a different police station from that where they are normally based.

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- Upholding public confidence and the confidence of victims in reporting domestic abuse and in the police response to domestic abuse.

Where a decision is made not to dismiss an officer or staff member the misconduct panel should consider if there is a need for restricted duties. Consideration should be given to whether a recommendation should be made to exclude the officer or staff member from duties relating to domestic abuse, child abuse investigation, or sexual offences.

The above should be considered during any subsequent disciplinary hearing for OPCC and police staff.

Domestic Abuse Related Behaviour That Does Not Result in a Criminal Conviction

Following a full criminal investigation and, in appropriate cases, a criminal prosecution, the outcome of suspected domestic abuse related criminal offences might not be a criminal conviction.

In such cases the ACC will consider if there has been a breach of the Standards of Professional Behaviour and whether there should be disciplinary proceedings. The Business area Commander /Departmental Head will make such considerations for OPCC and police staff.

Any such disciplinary Investigation will include information about the following issues;

- Evidence that the officer or staff member subject of the allegations has a case to answer under the Police (Conduct) Regulations 2020 and any breach of the Standards of Professional Behaviour or the Code of Ethics by which both police officers and staff members must abide by
- Consideration will be given to any history of domestic abuse in current and former relationships, including reports to any agencies including the police. Investigating officers should consider seeking advice from internal support groups or other specialist sources as appropriate. Where the allegation is against a member of police staff, there should be consultation with Unison in advance of any determination to institute disciplinary procedures.

Inter-force Arrangements

In cases where Gloucestershire Constabulary is notified of a domestic abuse related criminal offence where the suspect is a police officer or police staff member from another force, the information should be referred to a supervising officer as above. The supervising officer, normally of the rank of Inspector or above, will pass the information as soon as practicable to a senior officer (Inspector or above) of the force in which the suspect serves.

Close liaison will be required regarding the welfare and risk assessment of the victim and/or their family and ongoing support. It will be the responsibility of the Investigating Officer, once appointed, to ensure that appropriate mechanisms are in place to ensure sufficient information, welfare and support is provided to victims.

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Support for the Officer/Staff Member Who Has Committed Domestic Abuse Related Criminal Offences

We will ensure that any officer or staff member suspected of committing domestic abuse related offences has access to appropriate police support, if necessary from a specialist officer from a neighbouring force, police staff associations and the Occupational Health Department.

The RESPECT helpline is a national service for perpetrators which also offers support for their families and friends. Call 0808 8024040 / <https://respectphoneline.org.uk/>

Responding to Officer/Staff who are victims of Domestic abuse

Police officers and staff are not immune from the experience of domestic abuse and its impact.

The Constabulary, as an employer, owes a duty of care to employees and have a legal responsibility to provide a safe and effective work environment. Preventing and tackling domestic abuse is an integral part of this.

Disclosure

Line managers and colleagues may become aware of domestic abuse through;

1. Direct disclosure by the officer/member of staff
2. The line manager/colleagues recognises the signs and symptoms of domestic abuse and asks appropriate questions to confirm the situation.

Officers and staff may also choose to disclose domestic abuse to trade union representatives, staff associations, Supervisors or HR colleagues.

Disclosures of domestic abuse should be taken seriously, and the victim should be believed and supported. Victims of domestic abuse who are police officers and staff may find it difficult to come forward and make a disclosure due to the nature of their employment and the role they play in responding to such issues in the community. Their employment has no bearing on their personal experiences, with victims of domestic abuse coming from all sections of society. Police officers and staff who are experiencing domestic abuse should be made to feel supported by line managers and colleagues.

Asking appropriate questions

There may be times where a line manager and/or colleague recognises the potential signs that a police officer/member of staff may be experiencing domestic abuse. These signs may include:

- Changes in demeanour and attitude
- Reduced quality and quantity of work: missing deadlines, a drop in usual performance standards
- Visible signs of abuse (bruising, pain etc.)

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- Multiple instances of sickness with vague explanations or symptoms that are concerning
- Checking personal phone/taking regular calls from home
- Regular lateness to work/leaving work early
- Regularly not wanting to leave work/offering to work extra hours/preoccupied with leaving work on time
- Disclosure or comments relating to stress at home/arguments
- Limited access to money
- Depression/anxiety/low self esteem
- Isolated from friends/family/colleagues
- Insomnia
- Recent separation from partner
- Self-blame

Note: this list is not exhaustive and line manager/colleagues may notice other behaviours that give rise for concern. The above behaviours may also be connected to other issues and/or be normal behaviour for that individual, and may not always indicate concerns about domestic abuse.

Where concerns are recognised, a line manager/colleague may wish to ask indirect questions that allow the person to make a disclosure:

- How are you doing at the moment?
- Your wellbeing is important to me and I've noticed that you seem distracted/upset at the moment – are you ok?
- If there's anything you'd like to talk to me about at any time I'm always here to support you
- Is everything all right at home?
- You don't have to tell me anything, but please know that I would like to support you if and when you feel ready
- What support do you think might help?

Ensure that conversations of this nature are held in private and allow plenty of time and space.

The individual may not wish to make a disclosure at this time, but they should be made aware that your door is always open should they want your support in the future. If your concerns remain, it is ok to ask the question again, ensuring that the individual has an opportunity to disclose when the timing is right for them.

If the individual does not feel comfortable disclosing to a line manager/colleague, they can disclose to HR, and/or self-refer to specialist domestic abuse support.

Responding to a disclosure of domestic abuse from a police officer/staff member

If the victim does not want police action, and has made the disclosure as part of their employment with the OPCC or Constabulary (as opposed to informing the police), then in such circumstances support should be provided in line with ensuring staff wellbeing and safety.

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The recipient of the information must document reasons to support their decision making not to report, and justify why this referral was made in the course of employment and in confidence. (It is accepted that in respect of self-disclosing to Unison, they are not obliged to make or keep information provided).

Support should also be provided to provide reassurance to the victim as to the action that will be taken should they change their mind and want to report in the future.

If reported, it must be remembered that it is the duty of the Police Service to investigate all reports of domestic abuse related criminal offences and the decision of the Crown Prosecution Service to prosecute domestic abuse offenders. **It is not the decision of the victim or any other person who reports the offence.**

Regardless of whether the individual wishes to officially report offences against them or not, appropriate support should be discussed with them as well as considerations around risk management and any necessary safeguarding measures (this can be discussed with the DAST as appropriate).

External support options

As with all victims of domestic abuse, both local and national specialist support services can be offered to provide support and safety planning for the victim.

Gloucestershire based support service:

- Gloucestershire Domestic Abuse Support Service (GDASS)
Phone: 01452 726 570
Email: support@gdass.org.uk
<https://www.gdass.org.uk/>

GDASS have protocols in place if they are providing support to victims of domestic abuse who work for statutory services such as the police. This means, if they receive a referral (including self-referral) from a police officer/staff member, they will assign a SPOC for that individual where they can arrange direct contact with that worker only. Case files can also be hidden so other staff at GDASS do not have access to the victim's information.

Direct contact can be made with the service manager of GDASS to agree support options that the victim feels most comfortable with.

National Support Services:

- The Freephone 24 Hour National Domestic Violence Helpline (support via Refuge and Women's Aid)
Freephone: 0808 2000 247
www.nationaldomesticviolencehelpline.org.uk
- ManKind (Male Victims),
Helpline: 01823 334244
<http://www.mankind.org.uk/>

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- National LGBT+ Domestic Violence support
Helpline: 0800 999 5428
Email: help@galop.org.uk
<http://www.galop.org.uk/domesticabuse/>
- Bright Sky App
Bright Sky is a mobile app and website for anyone experiencing domestic abuse, or who is worried about someone else.
The app can be downloaded for free via the app stores.
<https://www.hestia.org/brightsky>

Internal Support options

The below provides a list of internal support options that can be considered⁶:

- Identify a SPOC for the individual for ongoing workplace support/wellbeing (this may be a line manager, trusted colleague or someone from HR).
- Discuss referral to Occupational Health
- Discuss any necessary adjustments to the workplace such as, changes in shift patterns, restricted duties, flexible working, change in location etc.
- Discuss any special leave requirements to allow the individual time to make any necessary arrangements e.g. attending support, attending court, meetings with support work/solicitor/housing officer/bank/health etc.
- Discuss access to alarms and other safeguarding measures (this can be discussed with the DAST).
- Agree with the employee what to tell colleagues and how they should respond if the abusive partner/ex-partner telephones or visits the workplace.
- Notify reception and security staff if the abuser is known to come to the workplace.
- Check that staff have arrangements for getting safely to and from home.
- Ask individuals to supply you with an up to date emergency contact number for a trusted friend or family member.
- Review the employee's next of kin information (with their consent).
- Ensure that the employee does not work alone or in an isolated area.

If the officer/staff member discloses domestic abuse against them where the suspect is also a police officer/staff member, the victim should be provided support as detailed above, but be made aware that action will be taken with regards the suspect as outlined in this policy.

⁶ This list is not exhaustive. There may be wider support that is considered on a case by case basis whilst in discussion with the victim and in conjunction with HR and/or other supervisors.

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Section 4 - Relevant Legislation: (*Human rights/diversity/Health & Safety/any other specifics*)

The Human Rights Act 1998 gives effect to the European Convention on Human Rights and Domestic Law, it includes positive obligations on the part of public bodies to safeguard an individual's right to life (Article 2); an individual's right not to be subjected to torture or to inhumane or degrading treatment (Article 3), the right to a fair trial (article 6) and the right to private and family life (Article 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 these powers. (e.g. *Osman -v- UK 1998* and *Z and others -v- UK 2001*)⁷ These obligations are clearly applicable in cases where police officers are alleged to have committed domestic abuse related criminal offences.

It is determined that this policy has the potential to impact on race relations where there may be cultural issues in relation to potential reluctance to report domestic abuse. In addition, there may be a potential impact for the low reporting of domestic abuse between same sex couples who may be reluctant to report, and men who may be reluctant to report as victims of domestic abuse.

It is recognised that reports of domestic abuse amongst our staff are sensitive, thus those informed of such an incident must respect the sensitivity of this information.

¹ *Osman v. United Kingdom* (2000) 29 EHRR 245. Examined the extent to which there were positive obligations on the state to preserve life but found no breach of Article 2. A teacher shot a pupil's father, following a period of harassment of the pupil. The harassment was known to the police and the family of the victim argued that the police were negligent in not taking steps to protect the pupil or his family. The court held that there was a duty on the state to take adequate and appropriate steps, but that the obligation to preserve life was not absolute especially in the context of operational choices, priorities and resources.

In the case of *Z & others v UK* four children who suffered abuse and neglect at the hands of their parents for several years it was argued on behalf of the children that the local authority had failed in its positive obligation to protect them from inhuman and degrading treatment. It was also claimed that they were denied access to court to sue the local authority for damages for negligence (as a result of decisions of the domestic courts) in violation of Article 6, and denied effective remedy in respect of their complaints contrary to Article 13. The Court ruled that there

⁷ *Osman v. United Kingdom* (2000) 29 EHRR 245. Examined the extent to which there were positive obligations on the state to preserve life but found no breach of Article 2. A teacher shot a pupil's father, following a period of harassment of the pupil. The harassment was known to the police and the family of the victim argued that the police were negligent in not taking steps to protect the pupil or his family. The court held that there was a duty on the state to take adequate and appropriate steps, but that the obligation to preserve life was not absolute especially in the context of operational choices, priorities and resources.

In the case of *Z & others v UK* four children who suffered abuse and neglect at the hands of their parents for several years it was argued on behalf of the children that the local authority had failed in its positive obligation to protect them from inhuman and degrading treatment. It was also claimed that they were denied access to court to sue the local authority for damages for negligence (as a result of decisions of the domestic courts) in violation of Article 6, and denied effective remedy in respect of their complaints contrary to Article 13. The Court ruled that there had been violations of both Articles 3 and 13 but not Article 6. Substantial damages were awarded, including non-pecuniary loss of £32k per applicant and varying amounts per child for pecuniary loss to cover future medical treatment and loss of employment opportunity

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had been violations of both Articles 3 and 13 but not Article 6. Substantial damages were awarded, including non-pecuniary loss of £32k per applicant and varying amounts per child for pecuniary loss to cover future medical treatment and loss of employment opportunity.

There are four main areas of health and safety legislation in the workplace relevant to domestic abuse:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996

Legislative & Policy Requirements/National Guidance

There is no legislative requirement for this policy, however, the Standards of Professional Behaviour provide that

"Police officers are honest, act with integrity and do not compromise or abuse their position" further that "Police officers act with self-control."

This policy supports the National Police Chiefs Council (NPCC) national position. The policy also supports the positive action strategy of the Constabulary regarding domestic abuse.

Section 5 - Related References:

Additional resources:

Further advice and guidance on responding to a colleague experiencing domestic abuse can be found:

Department of Health / SafeLives. Responding to colleagues experiencing domestic abuse

www.safelives.org.uk/sites/default/files/resources/DV%20Employer%27s%20guidance%20FINAL%20Update%203%20-%20SafeLives%20rebranded.pdf

EHRC / CIPD Managing and supporting employees experiencing domestic abuse

www.cipd.co.uk/Images/managing-and-supporting-employees-experiencing-domestic-abuse-2013-tcm18-10528.pdf

The Employers Initiative on Domestic Abuse

<https://eida.org.uk/>

Unison – Domestic violence and abuse: a trade union issue (includes 'Model workplace agreement on domestic violence and abuse', p25)

www.unison.org.uk/content/uploads/2017/02/24192.pdf

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Section 6 - Identification, Monitoring and Review

The Policy should enable consistent and effective decision making. Where operational or managerial circumstances require any decision making that would adversely affect adherence to the policy or procedure, in line with the 'Statement of Intent' of the constabulary and the police service 'Code of Ethics', if an officer/ police staff member believes that they need to make a decision that steps outside of policy and procedure they should do so, provided that:

- the officer/ police staff member raises the matter at the earliest opportunity (and ideally before any such decision is made) with their line manager declaring their intended (or actual) course of action if notification is made after the decision is taken,
- produces, in a timely manner, a signed and dated written explanation of why it is/ was deemed necessary to step outside of policy and procedure, and
- maintain an adequate record of this written rationale for audit purposes appropriate to the circumstances/ contravention

GSC Security Marking:		OFFICIAL/OFFICIAL-SENSITIVE	
Type		Policy - Police Officer/ Staff Domestic Abuse Policy	
Department		URN	Strategic Board 'signed off' Author/Reviewer
		110	IGB – include date signed off DCI Richard Ocone (original policy) Amended version 2021: Sophie Jarrett Ch Inspector Joanne Mercurio
Version	Date	History of changes (ensure public copy amended and uploaded to external website)	Complied with Policy Guidance ✓
4.0	18/05/2021	Amended to reflect super complaint concerning police perpetrators and best practice from CoP.	✓
3.6	April 2018	Reviewed. Format changes and updated DA definition	
3.5	23/11/17	Reviewed. Updated to reflect current force structure	
3.4	6/10/2016	Change of ownership to DCI Richard Ocone	
3.3	19/11/2015	Amended wording to GDASS, Code of Ethics, NPCC	
3.2	12/3/2015	Amended front page	

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3.1	24/7/2014	Amended wording to include OPCC	
3.0	12/9/2012	Reviewed. Updated to reflect current force structure Formatted to new policy format	
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SIA – if required	SIA Sign Off		SIA Review
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Previous policies can be found with the Governance and Compliance team.