

Title of Report	Paid Domestic Abuse Leave
For Consideration By	Corporate Committee
Meeting Date	12th September 2023
Classification	Open / Exempt (incl. reason)
<u>Ward(s) Affected</u>	All Wards
<u>Group Director</u>	Jackie Moylan Williams, Group Director, Finance and Corporate Resources

1. **Summary**

- 1.1. Employers play a powerful role in tackling domestic abuse, by supporting employees, raising awareness, and tackling the cultural barriers that exist around disclosure.
- 1.2. The Crime Survey of England and Wales (CSEW) estimates that 1 in 4 women and 1 in 6-7 men will experience domestic abuse. In reality, figures are likely to be much higher as many cases are not reported to the police. This is an impactful issue for our workforce.

Tackling Domestic Abuse forms part of Hackney's Violence Against women and Girls (VAWG) strategy. The VAWG Strategy 2019 - 2022, says: 'We are eradicating violence against women and girls across the borough and are determined to demonstrate that Hackney is a borough which takes a 'zero tolerance' approach to gender based violence.'

Hackney has had paid leave to support those leaving an abusive relationship for many years. This report proposes an increase in Domestic Abuse leave from the existing (up to) 5 days to:

- Up to 20 days - with dependents
- Up to 10 days - without dependents

- 1.3. The review has been undertaken jointly with Hackney's Domestic Abuse Intervention Service (DAIS) and the increase in paid leave is part of the Council's commitment to support the eradication of violence against women and girls across the borough.

2. **Recommendations**

- 2.1. Corporate Committee is recommended to approve an increase in paid Domestic Abuse leave for employees leaving an abusive relationship:

- (up to) 20 days for employees with dependents
- (up to) 10 days for employees without dependents.

3. **Background**

3.1. **Introduction**

(1) **A definition of Domestic Abuse:** The behaviour of a person towards another person is “domestic abuse” if

- People concerned are each aged 16 or over and are personally connected to each other, and
- 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;
- psychological, emotional or other abuse;

It does not matter whether the behaviour consists of a single incident or a course of conduct. (The Domestic Abuse Act 2021)

(2) Below are some facts that provide context, and explains why this is an important issue for Hackney, it’s employees and community:

Domestic Abuse is widespread: An estimated 1 in 4 women and 1 in 6-7 men will experience domestic abuse in their lifetime. Anyone can experience or be a perpetrator of domestic abuse. It takes place at all levels of society, regardless of social class, race, religion, gender identity, sexuality or disability.

Domestic abuse is gendered: Women are more likely than men to experience multiple incidents of abuse, different types of domestic abuse (intimate partner violence, sexual assault and stalking) and in particular sexual violence. ([Women’s Aid](#)).

Domestic abuse kills: On average 2 women a week are killed by a current or former male partner ([Refuge](#)). One man each month is killed by a current or former partner.

A robust policy is part of Hackney’s strategy for tackling Violence against women and girls: The response to domestic abuse forms part of Hackney’s Strategy for Tackling Violence Against Women and Girls (VAWG).

A robust policy is part of Hackney’s Duty of care and legal responsibility to provide a safe and effective working environment: Helping to support and protect employees who are experiencing domestic abuse is part of that responsibility. This is particularly important in a post-pandemic world where new ways of working and an increase in the number of people working from home have blurred the boundaries between home and work.

3.2. Background

(1) Paid leave and protocol

There are currently no statutory provisions for Domestic Abuse Leave. However, paid Domestic Abuse leave has been in place in Hackney for many years, and a protocol (guidance) since 2017. The guidance was developed following the death of Judith Nibbs in April 2014. Judith Nibbs was killed by her estranged husband. Judith lived in Shoreditch, and worked for Hackney delivering meals on wheels to the elderly and vulnerable. Judith’s death was shocking and tragic.

(2) Current provisions

The paid Domestic Abuse Leave provisions are currently:

Hackney:	Up to 5 days	For anyone leaving an abusive relationship, to deal with practical issues such as going to court, meeting solicitors and attending counselling.
Hackney Education:	Up to 20 days (with dependants) Up to 10 days (without dependants)	At management discretion for anyone fleeing domestic violence.

3.3. The proposal

To increase the current (up to) 5 days paid leave to:

Up to 20 days:	With dependents	For anyone leaving an abusive relationship.
Up to 10 days	Without dependents	

Note: This retains the provisions currently available in Hackney Education (without increase).

The leave is available to employees who are leaving an abusive relationship. Although the full impacts on individuals are difficult to predict, someone may need to secure alternative accommodation; change bank accounts; source legal support; apply for court orders. With dependents, they may need to arrange new schools/nursery placements; attend child safeguarding meetings; and arrange therapeutic support for children (or themselves). These are just some examples.

3.4. Financial Implications

(1) Current take up:

2022/23	1 employee took 1 day.
2021/22	0
2020/21	3 employees took a total of 12 days (4 days each on average)

Take up is unreliable as the person may not take leave, or may take leave but not disclose the reason. It is not known how many employees experiencing Domestic Abuse will leave the relationship each year (to qualify for paid leave). Therefore, the financial implications are being assessed using an estimate of the number of staff that may be impacted as set out below.

(2) Potential number of staff impacted.

It is estimated that 10 employees may need to take leave each year.

This estimate is based on:

- Hackney had 4484 employees as at 31st March 2023 (2381 women and 2103 men)
- 21% of the workforce are likely to experience domestic abuse at some point in their lives (1 in 4 women; and 1 in 6/7 men).
- Each year is 2% of working life (using a working life of 49 years (18 - 67))
- The TUC estimates that 50% of those experiencing Domestic abuse are likely to need time off work. [Support in the workplace for victims of domestic abuse | TUC](#)

(3) Estimated costs

Based on 10 employees taking the maximum 20 days leave, the cost would be £30,481 (This uses an average salary of £40,193 / 52.143 / 5 x 10 people x 20 days). This is a productivity cost i.e. time away from work, unless the nature of the work requires additional expenditure to provide cover.

Note: This is a high estimate because:

- 10 people taking advantage of the leave available is high for the reasons set out in 3.3 (2)
- It assumes all employees have dependents. The maximum is lower (10 days) for employees who do not have dependents.
- Each employee's experience and circumstances will be different, and not all employees will need (or take) the maximum leave required (with or without dependents).

3.5. **The Business case**

1. Lost productivity and absence linked to domestic abuse can mean significant economic losses for individuals and employers. The CBI states that Domestic Abuse costs businesses an estimated £1.9 billion per year, as the result of decreased productivity, time off work, lost wages and sick pay.

As well as supporting employees, the increased provisions could represent an investment in reducing absence (including sickness absence) and increasing productivity.

2. Employers have a duty of care and a legal responsibility to provide a safe and effective work environment. As well as the impacts on the employee's health and wellbeing, many perpetrators target the person they are abusing at work. Preventing and tackling domestic abuse is an integral part of our statutory duty.
3. Supporting the workforce remains a key part of Hackney's strategy for combating Violence Against Women and Girls; and the increase in Domestic Abuse leaves show Hackney to be leading in terms of good employment practice.
4. The proposed change will also help the Council evidence its commitment to safeguarding children. Children are defined by the Domestic Abuse Act 2021 as being victims in their own right if they "see, hear or experience the effects of" domestic abuse. An increased entitlement of leave enables the non-abusive parent / LBH employee to respond to their child(ren)'s needs and ensure the right support is in place for them e.g. being with them if they are unable temporarily to attend school, attending meetings with agencies etc.
5. Increased provisions support employee engagement and our social responsibility. A safe and supportive workplace can make a real difference to an individual's journey out of an abusive situation and their long-term prospects. A robust approach to domestic abuse as a workplace issue also builds awareness and drives long-term culture change.

6. The COVID-19 pandemic has brought domestic abuse to the forefront as, for many, the home has also become the workplace. Increased provisions could be a powerful part of our support for the post-COVID hybrid working era, by acknowledging that different ways of working require tailored support.

3.6. **Domestic Abuse Policy and Guidance**

The increase in paid leave is part of a refresh of our employment policy on Domestic Abuse. The review has been undertaken jointly with Hackney's DAIS. The revised guidance provides an overarching policy, and separate detailed guidance for managers and employees. Together they aim to provide a workplace environment that is open, trusting, non judgemental and supportive. The guidance expands on the good practice already promoted in the existing protocol, and signposts sources of support (including Hackney's own DAIS).

The approach to perpetrators is a key area of expansion. The revised guidance recognises that there may be complex reasons behind a perpetrator's behaviour, and that they are also harming themselves. However, the onus is placed firmly on the perpetrators to take responsibility for their behaviours and stop abusing. The Council will take appropriate action against employees who are perpetrators of domestic abuse. Any perpetrator who is seeking to change their behaviours will be supported.

4. **Comments of the Group Director of Finance and Corporate Resources.**

- 4.1. As outlined in Section 2, this report seeks the approval to increase the amount of paid Domestic Abuse leave for employees leaving an abusive relationship. The potential number of staff affected and the corresponding financial impact has been outlined in Section 3. Any increased costs will be managed within the service area's existing budgets. Inset text here

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. In accordance with Article 9.1.4 of the Council's constitution, Corporate Committee is responsible for maintaining oversight of the Council's Human Resources functions. It has the authority to approve an increase in paid domestic abuse leave for employees leaving abusive relationships as recommended at 2.1 of this report.

Appendices

Revised Policy and Guidance:

[Domestic Abuse Policy for the Workplace Final Version June 2023.](#)
[Domestic Abuse in the Workplace Managers Guidance Final Version June 2023](#)

**Domestic Abuse Policy for the Workplace: Employee Guide Final
Version June 2023**

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