

# **Review of the circumstances surrounding the death of JANE in April 2014**

## **- Overview Report - Contents**

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## 1. Introduction

1.1 This is a report of a Domestic Homicide Review (DHR) conducted under the terms of section 9 of the Domestic Violence, Crime & Victims Act 2004. It examines the circumstances surrounding the death of a woman henceforward referred to as JANE at the hands of her partner, referred to as JOHN in April 2014

1.2 The review will consider what has been learned of both JANE and JOHN. Prior to the homicide, neither JANE nor JOHN had come to the notice of the agencies in the context of domestic abuse. Of note, however is the fact that JANE was employed up to the time of her death by the London Borough of Hackney (LBH).

1.3 The key purpose for undertaking any DHR is to assess what, if any, lessons may be drawn from a particular case. Although the couple had not come to notice in the context of domestic abuse, it was felt by the Hackney Community Safety Board that a review should be conducted to determine whether this lack of agency awareness, of itself, might indicate lessons for the future.

1.4 The review was formally commissioned on 25<sup>th</sup> April 2014. Prior to the trial of JOHN, all agencies (see below) were asked to secure whatever material they might have to contribute to the review and, where appropriate, commence their own Individual Management Reviews (IMR).

1.5 JOHN's medical condition at the time of his arrest necessitated long term treatment as a hospital in-patient and precluded any progress in the criminal justice processes for two years. He was charged with the murder of JANE on 13<sup>th</sup> April 2015 and finally stood trial at the Central Criminal Court on 18<sup>th</sup> April 2016. He pleaded guilty to the manslaughter of JANE but not guilty to murder. He was found guilty of murder and on 18<sup>th</sup> April 2016 he was sentenced to life imprisonment with a minimum term of 19 years to be served before he could be considered for parole.

1.6 Despite the subsequent unavoidable delays, a Domestic Homicide Review commenced on 26<sup>th</sup> April 2014 and a Review Panel formed consisting of the following members:

Stephen Roberts, QPM, MA (Cantab) – Independent Chair

Steve Bending, Acting Head of Safer Communities, LBH

Cathal Ryan, Interim Domestic Violence Transformation Manager, LBH

Ch. Supt. Simon Laurence, MPS Borough Commander, Hackney

Det. Ch. Insp. Catherine Edgington, MPS Crime Manager, Hackney

Lorraine Robinson, Dir. Human Resources, LBH

Rob Blackstone, Dir. Adult Services, LBH

Karen Ingala-Smith, NIA Domestic Abuse charity & IDVA provider

DS Janice Cawley, MPS Serious Crime Review Group

The work of the panel was overseen by Councillor Sophie Linden, Deputy Mayor with responsibility for community safety.

1.7 JANE and JOHN had two adult children; K (male) and L (female). At the start of this review the Independent Chair wrote to K explaining the process and inviting him to become involved. Despite repeated requests, he did not engage with the process. L has autism and severe learning disabilities and is under the full time care of the London Borough of Hackney. Her condition is such that she was and remains incapable of understanding even that her mother is dead.

1.8 At the trial of JOHN, two of JANE's work colleagues and friends gave evidence that JANE had made mention of her difficulties with her husband. As part of the review, the Independent Chair interviewed both women. In addition, the Independent Chair obtained the formal written statement provided by Z, a close male friend, and after some delay, was able to interview him. The contributions and perspectives of all three have been incorporated into this review.

1.9 Stephen Roberts, QPM, MA, was appointed by the Hackney Safer Communities Partnership as Independent Chair of the Review Panel and Report Author. He is a former Deputy Assistant Commissioner of the Metropolitan Police, now working as a private consultant. He has extensive experience of partnership working at borough and pan-London level. He is a former Director of Professional Standards and Director of Training & Development for the Metropolitan Police. He is entirely independent of the Safer Communities Partnership and all other agencies involved in this review. He has completed training for the role and has successfully chaired and authored domestic homicide reviews for this and other Community Safety Partnerships.

1.10 The Review Panel met on 20<sup>th</sup> June 2014, 12<sup>th</sup> June 2015, and 20<sup>th</sup> July 2016 and gave final approval of the Overview Report and Executive Summary on 28<sup>th</sup> November 2016.

1.11 The review was guided by the following terms of reference:

- To establish what lessons may be learned from the case regarding ways in which local professionals and agencies worked individually and collectively to safeguard victims.
- To determine how those lessons may be acted upon.
- To examine and where possible make recommendations to improve risk management mechanisms within and between all relevant agencies.
- To identify what may be expected to change and within what timescales.
- To assess whether the relevant agencies have appropriate and sufficiently robust procedures and protocols in place and the extent to which they are understood and adhered to by their staff, including an examination of the metrics and management information mechanisms in relation to risk assessment and management.
- To improve service responses including, where necessary, changes to policies, procedures and protocols.
- To enhance the overall effectiveness of efforts to reduce domestic violence and its impact on victims through improved inter and intra agency working.
- To maximise opportunities for fast time learning and overall partnership improvements as well as medium and longer term enhancements.

1.12 No Individual Management Reviews (IMR) were requested because no agency held sufficient information to make such an exercise meaningful. The following agencies were asked to participate in the review process:

- The Metropolitan Police (MPS)
- London Borough of Hackney (LBH), Adult Social Services

- LBH Domestic Violence & Abuse Team
- LBH Human Resources Department
- NIA (a provider of IDVA Services for Hackney)
- Clinical Commissioning Group (CCG)

1.13 Each agency was asked to provide a chronological account of its contact with JANE and/or JOHN. Additional interviews and enquiries were conducted by the Independent Chair in an effort to gather the widest possible information.

1.14 Prior to the establishment of this review, JOHN was charged with murder. The MPS granted access to the evidence gathered by its homicide investigation team at various stages of the review. This enabled a more detailed picture to emerge of the background to the tragedy than might otherwise have been possible.

1.15 The following documentary evidence was provided by various agencies to the review:

- **MPS** – A formal letter summarising the incident and background from the police perspective together with relevant witness statements and expert reports derived from the criminal investigation.
- **Clinical Commissioning Group** – Copies of NHS records for JANE and JOHN.
- **LBH Human Resources Dept** – HR records relating to JANE

1.16 In a further effort to identify the underlying causes of the tragedy, the author of this report attended the trial of JOHN at the Central Criminal Court in order to hear the evidence in the case, obtain a copy of the Pre Sentence Report and to note the judge's remarks.

1.17 Due to his medical condition, JOHN was unfit to be interviewed by the Independent Chair for some time after his sentencing. In April 2016 an Assistant Governor at HMP Belmarsh persuaded him to agree to an interview with the Independent Chair. This meeting final took place in July 2016. Material from that interview has been incorporated into this report.

1.18 There was no information available to the MARAC in relation to domestic abuse between JOHN and JANE. As a supplement to this review, LBH commissioned an independent review of the effectiveness and efficiency of the MARAC. The

recommendation in this report therefore focuses on what might be done to enhance information available to the MARAC mechanisms and thus minimise the probability of similar tragedies.

1.19 Completion of the review was necessarily delayed to await the outcome of JOHN's trial in April 2016, which itself was delayed by his serious medical problems. Further delay was introduced by medical and prison security issues before an interview with the Independent Chair could take place.

1.20 The Overview and Executive Summary reports were ultimately agreed by the Community Safety Partnership Board on 13<sup>th</sup> December 2016.

## 2. Case History

2.1 The principal subject of this report is the victim, JANE, whose identifying particulars are:

Born: 1953

Resident of the London Borough of Hackney

White, English

No known religious affiliations

JANE was murdered by her partner, JOHN, whose identifying particulars are:

Born: 1946, Antigua

Resident of the London Borough of Hackney

Black, Afro-Caribbean

No known religious affiliations

2.2 The NHS medical records of both JANE and JOHN provided no evidence that JANE had been considered to be at risk or to have become a victim of domestic abuse. Equally, JOHN's medical records do not suggest he might be or become violent towards his partner.

2.3 JOHN and JANE were an established couple but not legally married. JANE had changed her surname to that of her partner by deed poll some years ago as a reassurance to her daughter. Friends of JANE emphasise that JANE was somewhat sensitive about her formal marital status; so much so that if anyone addressed her as "Mrs. N" she would forcefully correct them. They had a son (K) together in 1985 and a daughter (L) in 1987. With the exception of L, the family lived in a three bedroom flat in Hackney which JANE and JOHN had purchased jointly from Hackney Council in 1992 under the Right to Buy scheme. L suffers from autism and severe learning difficulties and resides permanently in a care home provided by LBH. JANE was a frequent visitor to her daughter's care home although JOHN never accompanied her.

2.4 At the time of the murder, JOHN was 67 years old and employed as a crane operator for Balfour Beatty Construction Ltd. He had criminal convictions for burglary and robbery in the distant past for which he had served terms of imprisonment. The first of these was a robbery in 1963 in which he used a wooden cosh to facilitate the robbery of a shopkeeper. He was subsequently convicted of an unconnected burglary in 1970. In view of the fact that the former offence occurred some 51 years before the murder (when he was 17 years old) and the latter only three years later, his criminal history cannot be considered relevant to this review. Enquiries to explore the provenance of JOHN'S unlicensed shotgun were carried out by the MPS but nothing was discovered to suggest its previous use in crime, nor any other information as to its history. Several years before the incident, JOHN had undergone extensive surgical cancer treatment and required continuing medication for his condition. In the months preceding the killing, he had started to consume increasing quantities of alcohol even though this conflicted with the prescribed medicines. Despite his illness, JOHN had continued to work and, in his own words "kept saving for retirement."

2.5 JANE was employed by the LBH at the time of the incident. In interview with the Independent Chair, two of her colleagues described JANE as a happy, extrovert person. She had worked for LBH for 15 years and was described by her supervisor as a happy, laughing and reliable worker. They disclosed that she had told them that she was unhappy in her relationship with JOHN and that she and JOHN had agreed to separate. Apparently after they had agreed to separate, JOHN had asked to stay in their flat, albeit with the two of them sleeping in different rooms. In discussions with her colleagues, apparently JANE had made it very clear that she felt that she should retain their flat once the couple had actually separated. Colleagues of JANE recall that on one occasion, within a few months of her death, JANE had told them that JOHN had grabbed her around the neck and her colleagues remember seeing the bruises and advising her to tell the police. She had also told colleagues that she believed JOHN had tried to damage the brakes on her car. One of JANE's colleagues who was last to see her alive recalls that on the night of her death, JANE appeared reluctant to leave work to go home.

2.6 JOHN's account of the state of his relationship with JANE is that "things started to go a bit funny" as a result of his illness and surgery. Evidence from the police criminal investigation indicates that from at least late 2013/early 2014, JOHN had become suspicious of his wife's behaviour and they had agreed to sleep in different rooms. They also agreed that they should separate and divide their joint money.



2.7 As part of the police investigation, JANE's mobile phone records were obtained. These show that as early as November 2013, JANE had been exchanging affectionate messages with a Moroccan man, Z. These exchanges continued until the day before the murder. In interview with the Independent Chair, Z acknowledged that he and JANE had become friends and in the summer of 2013 had enjoyed a holiday together. He also acknowledged that JANE had transferred money from her bank account to his. He explained that the money in question was in fact his and that JANE had merely assisted in its international transfer. Z emphasised that he and JANE were friends and that there had never been a sexual relationship between them. Z described JANE as "a very nice and happy person". She had told him that her relationship with JOHN had become very difficult, not least because JOHN was frequently drunk, bad-tempered and rude. She told Z that despite these problems, she was happy to stay with JOHN albeit she was often reluctant to go home and instead of returning there after work would spend time with friends elsewhere. JANE never spoke to Z about any violence in the relationship.

2.8 Family money matters were handled by JANE but by March 2014, JOHN had searched for and found statements from their joint account, indicating that JANE had transferred significant sums of money to a Moroccan bank account. This and other discoveries fueled his suspicions that not only was JANE meeting other men but that she was also siphoning money from the account to which he contributed his earnings and on which he relied for his retirement. At about this time, JANE told a colleague that JOHN had grabbed her by the scruff of her neck and only released her when K intervened. Thus by March 2014 it appears that JOHN's abuse of JANE had escalated significantly.

2.9 JOHN shared his suspicions with his son, K, and asked him to help by examining JANE's e-mail contacts. He also asked K to download material from JANE's laptop computer onto a memory stick. Subsequent examination of this memory stick during the police investigation revealed that it contained a number of images of JANE on holiday and a number of images of a female's exposed cleavage. The images do not show the head of the female but are believed by the police investigators to depict JANE. Also on the same memory stick were copies of money transfer paperwork and documents relating to Z.

2.10 On 7<sup>th</sup> April 2014 JOHN, accompanied by his son, sought advice from a firm of solicitors on his legal position and what to do about the money in the joint account.

Subsequently he withdrew £9000 and a further £10,000 from the account and transferred it to K's account where he believed it would be "safe".

2.11 JOHN owned a shotgun although he had no licence. In early April 2014 he searched the flat for the gun and asked JANE where it might be. On the night before her murder, JANE remarked to her work colleague that JOHN had been looking for the gun and "maybe he wants to shoot me with it." Her colleague asked JANE if she was serious but received what she regarded as a flippant reply, "Nah, I'm going home." And later quipped "Goodbye and if I'm not in Friday, I might be dead."

2.12 On 9<sup>th</sup> April 2014 K overheard his parents arguing. He recalls that he heard his mother say "Mention one more word about the money and the affair and I will go." Later that evening JOHN invited his son to go to the pub with him the following Saturday. He told K that he planned to make financial provision for his children then retire to Antigua.

2.13 On 10<sup>th</sup> April 2014, JOHN gave his son several hundred pounds which he said he no longer needed and the address of K's aunt in Antigua. K worked night shifts at a local warehouse. JOHN told K to contact his aunt by phone when he returned from his shift.

2.14 At 04.55 on 11<sup>th</sup> April 2014, a call was received on the 999 system from JOHN in which he stated "There's a couple of bodies at [address]." Officers went to the address shortly afterwards where they met London Ambulance staff responding to the same call. The officers forced entry. They discovered the decapitated lifeless body of JANE on a plastic sheet. Scattered around the body were documents relating to Z including an envelope addressed to JANE and four receipts showing cash deposits from JANE to a Moroccan bank account in the name of Z.

2.15 When the officers entered the flat, JOHN was in the bathroom, holding a shotgun and a large knife. The officers disarmed him. It was immediately apparent that he had severely injured himself with the knife – injuries from which, combined with his already poor health, delayed the criminal justice process (and this review) for an extended period. In interview by the Independent Chair after conviction, JOHN stated that after killing and mutilating JANE he "knew that his life was finished," and tried to kill himself with the shotgun but it had failed to fire.

2.16 JOHN pleaded guilty to manslaughter but not guilty to the murder of JANE. The Crown declined to accept his plea of guilty. At his trial JOHN claimed that he had not

intended to kill his wife and that he “only meant to slap her about a bit” adding that he “tapped her on the head [with a metal bar] to get her attention.” He was convicted of murder on 7<sup>th</sup> April 2016.

2.17 The statutory sentence for the offence of murder is life imprisonment. Judges are, however, required to make a recommendation of the minimum term of imprisonment which must be served before a person is able to be considered for release on parole.

2.18 In considering all relevant factors, The Recorder of London, His Honour Nicholas Hilliard remarked:

*“I’m sure you don’t regret your wife’s death save for the effect on your own comfort and wellbeing.”*

JOHN was sentenced to life imprisonment with the condition that he must serve a minimum sentence of 19 years before he could be considered for parole. In interview, he accepted that, in view of his age, he would be likely to die in custody.

### 3. Analysis

3.1 The jury at JOHN's trial concluded that he was fully responsible for the death of JANE. The verdict necessarily implies that whatever provocation JOHN may have perceived did not diminish his responsibility for the killing. Thus, JOHN's version of events, i.e. that he "merely" tapped JANE on the head with an [iron] bar without intending to inflict very serious harm was not accepted.

3.2 It is evident from the case history that for some months before the incident, JOHN's behaviour had worsened to the point at which JANE decided she could no longer accept it. The couple decided they should separate: initially simply to separate bedrooms but with the ultimate intention of a full separation. Although the couple had significant savings, both were understandably concerned to retain possession or at least ownership of their jointly owned flat and JOHN in particular worried about the security of the money he had saved for his retirement. What appears initially to have been a largely consensual decision to separate seems to have deteriorated as JOHN became suspicious of JANE's relationships outside the home and increasingly concerned about the transfers of money from their joint account.

3.3 It must be a matter of speculation but it seems likely that JANE had at least some concerns for her personal safety. The case history includes clear evidence of escalating levels of violence, especially from about March 2014. At about this time, there is also limited evidence of JOHN's attempt at coercive control – specifically his attempt to take control of their joint finances and the fact that he persuaded his son, K to hold this money on his behalf but also to seek access to JANE's computer in search of "evidence" of her activities. JANE had told colleagues of the difficulties in her relationship with JOHN. Her references to being killed appeared flippant at the time, but subsequent events as well as the fact that she had shown colleagues the bruises around her neck suggest that, at the very least, JANE had become increasingly cautious about going home after work due to JOHN's behaviour.

3.4 Despite the violence JANE had suffered and the escalating tensions between the couple, JANE did not seek active support from any agency or indeed her manager within LBH. There is ample research demonstrating that women who find themselves in such a vulnerable position, nevertheless do not seek help because of a range of

inhibiting factors<sup>1</sup>. NIA (the Domestic Abuse Charity describe the principal factors as: *shame, feeling it's their own fault, not wanting to admit there's a problem, feeling exhausted and demoralised by the abuse and not being able to face telling a stranger about it, feeling judged, feeling more afraid of the unknown future than the known present or past.*

3.5 It appears that JANE only confided her problems to her close friends at work. In interview those colleagues clearly regretted the fact that they had respected JANE's confidences. It is at least possible that had her colleagues had a better understanding of the problems of domestic abuse and the main risk factors, they might have sought advice from their manager and thus initiated support. The likelihood of such an outcome would be increased had there been an established policy for dealing with such matters and awareness among staff of its existence. It is for the specific reason that the Action Plan focuses on work with staff to increase awareness of domestic abuse and what actions they should consider if they become aware of it from colleagues, or indeed if they themselves fall victim.

3.6 At the very beginning of this review it was identified that LBH gave no specific guidance to staff or managers concerning domestic abuse even though it has a duty to respond appropriately to concerns about staff welfare and safety. In respect of domestic abuse, the need was identified for simple step by step guidance for managers about recognising and responding to victims of abuse. In interviews with LBH employees, it was quite evident that the very fact of JANE's murder has focused the minds of managers and employees on the subject of domestic abuse. The new guidance, together with its implementation plan will embed this awareness for the future. The guidance document is attached at Appendix A to this report and the Action Plan outlines the steps for its implementation and consolidation within LBH as part of its HR policy. The guidance will sit alongside the borough Violence Against Women & Girls Strategy.

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<sup>1</sup> Elliot, Journal of Health Visiting 2016

"Barriers and facilitators of disclosures of domestic violence by mental health service users: qualitative study"

Rose, Trevillion, Woodall, Morgan, Feder, Howard

The British Journal of Psychiatry Dec 2010

3.7 There can be no certainty that JANE would have responded to an approach from her supervisor offering help had the new Domestic Abuse Guidance been in place prior to her murder. The guidance should, however, increase the chances that should a similar situation arise in future with another employee, appropriate help and support would be offered.

## 4. Conclusions & Recommendations

4.1 As previously mentioned, in tandem with this review a separate independent review is being conducted to assess the effectiveness and efficiency of the MARAC processes in Hackney in light of the many recommendations already accepted from a number of previous Domestic Homicide Reviews. This review does not, therefore examine the functioning of the domestic abuse systems and capabilities beyond the precise boundaries of this homicide.

4.2 The psychological phenomenon known as “outcome (or hindsight) bias” is a common feature of the way in which those analysing a sequence of events allow their knowledge of the outcome to influence their beliefs about the correctness of decisions prior to that crisis point. The phenomenon might be expected to apply with particular force in a case such as this, where a death has occurred. In this case, JANE’s prophetic words to her colleagues as she left work for the final time left those colleagues feeling that they should have done more to support her. Such a conclusion would be entirely wrong. It is possible that JANE was influenced by any of the range of factors which inhibit women from disclosing domestic abuse and that her apparent flippancy masked genuine concerns for her own welfare. The probability of discovering such concerns among staff should be improved and managers equipped to address such sensitive disclosures effectively. The new workplace guidance aims to provide the tools and sensitivities for managers and supervisors and to embed the approach within HR policy and the Violence Against Women & Girls Strategy. The guidance (at App A) and implementation Action Plan specifically address:

- The need to enhance the awareness of all staff to the dangers and challenges of domestic abuse.
- The help that is available for victims.
- Assistance for managers in identifying victims of abuse
- Simple, step by step instructions for managers dealing with such abuse
- Guidance to equip managers to conduct the sensitive, caring interviews that are the essential prelude to offering appropriate support to victims.
- Signposting to additional support for managers and victims outside their line management.

The guidance was launched as part of the 16 days of action within LBH following the International Day for the Elimination of Violence Against Women (see Action Plan). This review therefore makes only a single recommendation.

**Recommendation 1**

**The “Domestic Abuse & Workplace Guidance for Managers and Employees” (see Appendix A) to be formally accepted by LBH and implemented as specified in the Action Plan.**



**Action Plan**

<b>Recommendation</b>	<b>Action</b>	<b>Ownership</b>	<b>Projected completion</b>
<b>Domestic Abuse &amp; Workplace Guidance for Managers &amp; Employees</b>	Draft, consult & authorise the guidance	LBH HR Directorate	Completed
	Policy launch as part of 16 days of action following the International Day for Elimination of Violence Against Women	LDH HR Directorate & Staff Communications	28.11.16
	All managers now instructed to include the policy in the list of documents that must be confirmed as read by all new starters	LBH HR Directorate	To be completed as each new person starts or an existing staff member is subject to annual appraisal
	Lunchtime seminars for all staff to include discussion of the policy for all staff	Seminars run jointly by HR and Safer Communities Unit	Starting 02.12.16 and then monthly

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	Six month review of policy	Jointly by HR Directorate and Safer Communities Unit	29.05.17
	Annual review of policy	Jointly by HR Directorate and Safer Communities Unit	20.11.17 (and incorporated into the annual policy review thereafter)

## Consolidated Chronology

Date	Org./IMR Ref.	Event	Comment
1946	MPS	JOHN born	
1953	MPS	JANE born	
1985	LBH	K, son of JANE and JOHN born	
1987	LBH	L, daughter of JANE and JOHN born	
1992	LBH	JANE and JOHN buy from Hackney Council, a joint lease on their home under the Right to Buy scheme	
1998	LBH	JANE takes up employment with Hackney Meals on Wheels Service	
February 2014	MPS	JANE and JOHN start to sleep in separate bedrooms.  At about this time JOHN is overheard to say "You've been seeing guys and you're gonna bleed me dry and bleed K dry and leave". They agree they are to separate and divide the money.	
17.03.2014 (approx)	MPS	JOHN asks his son to examine the e-mail contacts of JANE because he is "suspicious" of her activities. He also asks son to download material from JANE's account to a memory stick.  About this time, JOHN starts to examine bank documents belonging to JANE which show she has made cash transfers to a Moroccan account.  In late March JANE tells a work colleague that JOHN had grabbed her around the scruff of her neck and that their son had intervened.	
07.04.2014	MPS	JOHN looks for a shotgun he owns and asks JANE if she knows where it is.  JOHN withdraws £9000 from their joint account & visits solicitor for advice.	

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		JANE tells a colleague that JOHN had been looking for his gun and remarks "Maybe he wants to shoot me with it." When asked if she was serious JANE responds "Nah, I'm going home," and later, "Goodbye and if I'm not in Friday, I might be dead." Similar remarks made to other colleagues.	
09.04.2014	MPS	JANE says "Mention one more word about the affair and money and I will go."  JOHN invites son to go to the pub the following Saturday (12.04.13). He tells K that he intends to provide financially for his children then retire to Antigua.	
10.04.2014 19.30	MPS	JANE last seen alive by her son. JOHN gives son money and the address of his aunt in Antigua, telling him to contact the aunt when he returns from his night shift.	
11.04.2014 04.55	MPS	Telephone call to Police from JOHN "There's a couple of bodies in [address]." Shortly thereafter, officers enter the address and discover the body of JANE and JOHN semi-conscious. JOHN is disarmed of his shotgun by police.	

## Appendix A



# DOMESTIC ABUSE AND THE WORKPLACE GUIDANCE FOR MANAGERS AND EMPLOYEES

## Introduction

It is statistically likely that within teams and services there will be colleagues / employees who have experienced or are experiencing domestic abuse. Women are more likely than men to experience domestic abuse.

Hackney Council takes extremely seriously the safety of its employees. Hackney Council managers have a duty to respond appropriately to concerns about the safety and welfare of staff members

Hackney Council takes a 'zero tolerance' approach to perpetrators of domestic abuse

This protocol applies to direct employees and agency staff working in Hackney.

This management guidance sits alongside and forms part of Hackney's Violence Against Women and Girls Strategy and Hackney's Violence Against Women and Girls Action Plan.

## Definitions

Domestic abuse is 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between anyone over 16 who are or have been intimate partners or family members, regardless of gender or sexuality.'<sup>2</sup> The definition of domestic abuse also includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriages, and is clear that victims are not confined to one gender or ethnic group.<sup>3</sup>

Domestic abuse can be physical violence (ranging from bruising to permanent injury or death); the threat of violence to one's partner or their children; sexual violence; stalking and psychological and/or emotional abuse (such as mental or verbal abuse; threats; belittlement; isolation or control of finances and movement).

## Staff awareness of domestic abuse

Line managers should ensure that as part of staff induction new employees are signposted to this protocol.

Within the six month probation period managers should confirm that the new employee has read this protocol, discuss with the employee any issues in relation to domestic abuse and confirm with them that they know how to access support if needed.

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<sup>2</sup> ['Definition of Domestic Violence and Abuse', Home Office, March 2013](#)

<sup>3</sup> ['Information for Local Areas on the change to the Definition of Domestic Violence and Abuse', Home Office, March 2013](#)

## Recognising and responding to domestic abuse

Managers should be aware that colleagues and employees of any gender can in their lifetimes experience domestic abuse. Managers should follow an approach known as the '4Rs'.

- Recognise the problem (look for signs and ask)
- Respond appropriately
- Refer on to the appropriate help
- Record the details.

### Step 1: Recognise the problem

#### Look for signs

Signs of domestic abuse will also potentially indicate other issues so it is important that managers do not reach conclusions without further exploration with the staff member concerned. Indicators may be psychological or physical and include –

- A change in work productivity
- Persistent lateness or absence without proper explanation
- Changes in behaviour e.g. being unusually quiet / withdrawn / easily upset
- Regularly having to step out of meetings or stop work to take calls
- Bruises or injuries that are frequent / unexplained

#### Ask

Most people experiencing domestic violence would like someone to ask them (in a sensitive way) about what's happening. Managers should do the following:

- Arrange to meet with the staff member in a room away from view of their colleagues

- Explain the reasons for the manager's concern and that they need to explore if anything is happening at home or in work that the staff member wishes to discuss
- Explain that anything disclosed will be treated in the strictest confidence unless there are safeguarding issues that have to be reported to statutory services e.g. concerns about the safety of children or vulnerable adults. Explain also that as a manager there is an obligation to protect their employee and as such if there are indications that they are at 'high risk' of serious harm through domestic abuse and are not wishing to receive help or report the abuse to police then as a manager they are under an obligation to refer the matter to the MARAC (Multi Agency Risk Assessment Conference) in the employee's local area.
- If you feel you need support with managing the situation contact the Council's Domestic Abuse Intervention Service

### **Step 2: Respond appropriately**

If a staff member discloses domestic abuse, managers should be sensitive, be clear the employee is not to blame and emphasise that there is no justification for domestic abuse. Managers should be attuned to any additional issues because of their ethnic background, sex, religion, age, sexuality or disability.

Remind them again that the information they have shared is confidential unless the employee expressly agrees to be referred for help or the manager has significant concerns about safeguarding e.g. about children or vulnerable adults or the employee themselves. Where information may have to be shared e.g. with Children and Families Services, managers can call Hackney's First Access and Screening Team and discuss the concerns generally without giving the staff member's details. If a referral needs to be made then the employee should be told of this and the manager should be clear what information they are sharing and with whom. Managers should seek the employee's consent to do so. Consent is desirable but not required. Any referral should be made to the Local Authority in which the employee lives.

The decisions and choices the employee makes must be respected. Decisions (including the decision to leave or remain in an abusive relationship) are rarely straightforward.

Managers should be as flexible as possible to assist employees who are leaving an abusive relationship– this includes allowing up to 5 days domestic abuse leave for direct employees to deal with practical issues such as going to court, meeting solicitors and attending counselling.



Managers should ensure the employee is aware of the Employee Assistance Programme and how to access it.

**Step 3: Refer on to the appropriate help.**

Support is available from both internal and external services. Managers can help employees access services. For advice and support managers and employees can contact Hackney's Domestic Abuse Intervention Service:

Telephone 020 8356 4458 / 020 8356 4459 / 0800 056 0905 (free from a landline)

Availability: Monday - Friday 9 a.m. - 5 p.m.

for out of hours emergencies call police 999 / housing 020 8356 2300 / Refuge 0808 2000 247

Email: [dais@hackney.gov.uk](mailto:dais@hackney.gov.uk)

Managers should refer employees to or share employee's information with domestic abuse support agencies *only* with their employee's consent. If a manager is concerned that their employee is at high risk of harm as a result of domestic abuse they should refer to the MARAC in the employee's local area; in such cases consent is desirable but not required. The Council's Domestic Abuse Intervention Service can advise managers on how to do this.

Staff members contacting the Hackney DAIS will be informed of the support that can be offered, that DAIS sits within Hackney Council and if they wish to receive DAIS support their information will be treated as highly confidential with the usual caveats around reporting of safeguarding concerns. If the employee wishes to receive support the DAIS will restrict access to their files. Alternatively if the employee is more comfortable accessing support locally if they live elsewhere or from an independent service then they will be referred on or signposted as they prefer.

Any Hackney employee referred to Hackney DAIS or Hackney MARAC will have their files restricted.

### **Step 4: Record the details**

Managers should keep a record of incidents and action taken in case the issues need to be referred to later. Managers should also inform their line manager and Head of Service.

### **Employee safety**

Work is often a place where a perpetrator can locate the employee and continue to abuse, harass or intimidate. This can include harassing or repeated phone calls, notes on their car, emails or unannounced visits to the workplace. The employee may be stalked, physically assaulted or even murdered while travelling to and from work.

Council employees must never divulge personal information about their colleagues (such as addresses, telephone numbers or shift patterns) to anyone without that person's permission.

If a manager is aware that an employee is leaving an abusive relationship they should meet regularly with the employee to check how they are and review anything needed to help keep them safe e.g. working off-site or in a different office, colleagues accompanying them from the office to their car / train station / bus stop, changing their work number etc.

### **Perpetrators of domestic abuse**

Anyone who is abusive in their personal relationships is a perpetrator of domestic abuse. Hackney Council takes a 'zero tolerance' approach to perpetrators of domestic abuse.

Domestic abuse is a crime and the Council expects its officers to work within the law. Unlawful behaviour at or away from work may result in a loss of trust and confidence in the employee or

the Council; and perpetrators of domestic abuse may be in breach of the Council's Code of Conduct.

Employees must inform their Head of Service and / or Director if charged with or convicted of a crime. It should also be remembered that anyone alleged of perpetrating domestic abuse in their personal life is under a duty to inform their line manager. Failure to do so may constitute Gross Misconduct:

Domestic abuse breaches the Council's Code of Conduct and **could** constitute Gross Misconduct in the following ways:

- 1) Conceal any serious matter they should reasonably have known to report
  
- 5) Seriously demean or offend the dignity of others or abuse their position.
  
- 7) Threaten, instigate a fight with or assault anyone.

The Council will consider (following a disciplinary investigation) whether the charge or conviction brings the employee's suitability for their job into question and if an allegation of gross misconduct is proven an employee may be dismissed as a result.

Many perpetrators will use workplace resources – working time, phones, email or other means – to threaten, harass or abuse their current or former partner. Any employee who uses Council facilities for this purpose will at the very least be subject to disciplinary action and may be reported to the police.

Managers who learn of an employee behaving in a way that is abusive to children, vulnerable adults or their partners have a duty to report them to police and other statutory services e.g. Children and Families Service and Adult Safeguarding.

## Restricted

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Any Council service dealing with allegations against Council staff must restrict their files in the same manner as restrictions applied to Council staff who are alleged victims of domestic abuse.

### **Where both the subject and perpetrator work for Hackney Council**

In addition to all the considerations above, managers should be alert to the need for the managers of both the victim and alleged perpetrator to be aware of the issues on a need-to-know basis. The manager should consult their Head of Service and their Human Resources Business Partner for advice before sharing information with other managers in the Council.

Where the alleged perpetrator works for the Council their manager should inform them of the importance of not attempting to contact or access information regarding the alleged victim. In addition the manager should, in consultation with their Head of Service, give consideration to whether the alleged perpetrator needs to be relocated and / or temporarily re-assigned to other duties while any police or disciplinary investigation is ongoing.

### **Staff Members who have experienced sexual violence**

Managers and colleagues should be aware that, in addition to being at risk of experiencing domestic abuse, their colleagues who are exhibiting concerning behaviours as set out in page 2 of this Protocol may have experienced sexual violence either within or outside a relationship with the perpetrator.

Exploring whether a staff member has experienced sexual violence should be done following the same principles as set out regarding exploring and responding to domestic abuse in terms of listening, offering reassurance and support to the staff member. The Domestic Abuse Intervention Service can advise and support as with domestic abuse (020 8356 4459).

If a staff member has been raped or sexually assaulted they should be supported to access help from police and health services but cannot be made to do so and their confidentiality is of the utmost importance. Managers should report sexual violence against an employee only if it has

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implications for safeguarding e.g. a child or vulnerable adult at risk or if it seems as though the staff member is at risk of serious harm.

Staff may wish to receive confidential advice completely separate from the Council and can be advised of the East London Rape Crisis Service:

<http://www.niaendingviolence.org.uk/rape/> 0207 683 1210

## **GLOSSARY OF TERMS**

CAFCASS	Children and Family Court Advisory and Support Service
CDRP	Crime and Disorder Reduction Partnership
CDVP	Community Domestic Violence Programme
CSP	Community Safety Partnership
DARNA	Domestic Abuse Risk Needs Analysis
DOM	Director of Offender Management
HDC	Home Detention Curfew
HRP	Healthy Relationships Programme
IDAP	Integrated Domestic Abuse Programme
IDRMT	Inter-departmental Risk Management Team
LCJB	Local Criminal Justice Board
LSCB	Local Safeguarding Children Board
MAPPA	Multi-Agency Public Protection Arrangements
MARAC	Multi-Agency Risk Assessment Conference
NPIA	National Police Improvement Agency
NPS	National Probation Service
OASys	Offender Assessment System
PSR	Pre Sentence Report
ROTL	Release on Temporary Licence
SARA	Spousal Assault Risk Assessment
ViSOR	Violent Offender and Sexual Offender Register

**Notes**