

EMPLOYMENT MATTERS COMMITTEE

29 NOVEMBER 2012

REVIEW OF DOMESTIC ABUSE WORKPLACE POLICY

Report from: Tricia Palmer, Assistant Director, Organisational Services

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Summary

The report asks the Employment Matters Committee to note comments following the last review of the Domestic Abuse Workplace Policy in June 2010 and to approve a revised policy.

1. Budget and Policy Framework

1.1 The policy lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background

2.1 On 15 April 2009, the Employment Matters Committee agreed to introduce a new policy on Domestic Abuse and Workplace issues. The policy was developed to support employees' health and wellbeing at work. It covers the internal and external support available to employees experiencing domestic abuse, including special leave provisions and signposting to external sources of advice and help. The policy is attached at Appendix A.

2.2 On 10 June 2010, the Committee reviewed the policy and asked for a further review in two years time.

3. Advice and analysis

3.1 Domestic abuse reduces an employee's ability to work and has an economic and attendance impact far beyond any sickness absence resulting directly from injuries received during abuse. These indirect costs include time off work, talking to lawyers and medical professionals, poor productivity and reduced promotion prospects for the individual as a result of working below her/his potential.

- 3.2 Individuals may even lose employment as a result of poor attendance or work performance, or as a result of the need to move to a different area to escape an abuser. Costs to the employer arise from lower productivity due to poor concentration on the part of abused employees, and the possibility of business disruption if a violent partner presents at the workplace.
- 3.3 Medway Managers were contacted in September 2012 to find out how the policy was working in practice and whether any managers were aware of it being used and whether they had any observations on its usefulness and/or whether there were any pitfalls etc. The responses indicated that the introduction of this policy has been a positive step and a number of managers made suggested changes to the policy.
- 3.4 Human Resources advisers were asked whether there had been any adverse feedback from managers or employees relating to the implementation of the new policy and they confirmed that there had not.
- 3.5 The trade unions and equality forums were also consulted. Their feedback was positive and the greatest concern related to managers' skills in dealing with such sensitive issues.
- 3.6 The Domestic Abuse Sub Group, chaired by Councillor O'Brien, with attendees from external partners were consulted and provided helpful input.
- 3.7 At the development stage of this policy, Care First, the Council's Employee Assistance Provider, were asked to separately record the number of contacts from employees relating to domestic abuse. The total number of contacts in 2009/10 for counselling relating to personal issues was 350. Of these, 10 contacts related to Domestic Abuse/Violence. Family issues accounted for 58 contacts and Relationship issues accounted for 65 contacts, both of which could be linked to domestic abuse.

| 2009/10 | Total | % of total contacts |
|-------------------------|--------------|----------------------------|
| Domestic Abuse/Violence | 10 | 3% |
| Family | 58 | 16.6% |
| Relationship | 65 | 18.8% |
| | 133 | 38.4% |

The total number of contacts in 2010/11 for counselling relating to personal issues was 310. Of these, 8 contacts related to Domestic Abuse/Violence. Family issues accounted for 54 contacts and Relationship issues accounted for 60 contacts, both of which could be linked to domestic abuse.

| 2010/11 | Total | % of total contacts |
|-------------------------|--------------|----------------------------|
| Domestic Abuse/Violence | 8 | 2.6% |
| Family | 54 | 17.4% |
| Relationship | 60 | 19.4% |
| | 122 | 39.4% |

The total number of contacts in 2011/12 for counselling relating to personal issues was 329. Of these, 5 contacts related to Domestic Abuse/Violence. Family issues accounted for 53 contacts and Relationship issues accounted for 50 contacts, both of which could be linked to domestic abuse.

| 2011/12 | Total | % of total contacts |
|-------------------------|--------------|----------------------------|
| Domestic Abuse/Violence | 5 | 1.5% |
| Family | 53 | 16.1% |
| Relationship | 50 | 15.2% |
| | 108 | 32.8% |

The other categories recorded under personal issues are alcohol, bereavement, debt, drugs, gambling, general finance, health (emotional), health (physical) and housing.

3.8 Recent research has shown that:

- Domestic abuse accounts for 16 per cent of violent incidents in the UK.
- One in four women and one in six men have been a victim of domestic abuse since the age of 16.
- Domestic abuse has more repeat victims than any other crime (on average there will have been 35 assaults before a victim calls the police).
- 89 per cent of those suffering four or more attacks of domestic abuse are women.
- On average, domestic abuse claims the lives of two women each week and 30 men each year.
- 75 per cent of children on the child protection register are living with domestic abuse.
- Domestic abuse costs in excess of £23 billion a year.
- Domestic abuse is the largest cause of morbidity worldwide in women aged 19-44 (greater than war, cancer or motor vehicle accidents).
- One in ten people who have experienced domestic abuse have been forced to take time off work because of the effects of the abuse.
- Twenty percent of those have been absent for more than a month.

However, research has also shown that more than one in ten victims of domestic violence chooses to confide in a manager or colleague.

4. **Key proposed changes to the policy**

4.1 In light of the comments received, the key proposed changes are:

- In 6.1: Definition changed to Home Office Definition (it was previously the Women's Aid definition). The government is presently consulting on a revised definition to cover 16-18 year olds and coercive control.
- In 6.3: Partner changed to family member or family members (as is often the case in honour crimes).
- In 7.1:
 - a) Nominate two appointed persons in the workplace (one male, one female) as a confidential first point of contact for those experiencing domestic abuse; (previously it was one)
 - b) Provide training for managers so they understand domestic abuse and how to support staff, especially around honour crimes.
 - c) Appoint specific managers who can be mentors for others.
- Appendix 1 has been updated.

5. Scope

- 5.1 The policy applies to all employees of Medway Council, apart from schools based staff. The policy will be recommended for adoption by schools.

6. Risk Management

- 6.1 There is no statutory requirement to have a Domestic Abuse Workplace Policy but it is good employment practice to do so. Failure to have a policy could increase the risk of:

- Employees not receiving the support and information that is available;
- A loss of productivity at work;
- Adverse impact on the health and morale of employees suffering levels of stress, anxiety and sickness absence;
- Ongoing harm to the employee that might have been avoided if they had sought help;
- The loss of employees with valuable skills and experience;

7. Diversity Impact Assessment

- 7.1 A Diversity Impact Assessment (DIA) screening form was undertaken on the policy and it was found that it was not necessary to carry out a full impact assessment (Appendix B). The proposed changes to the Policy have not necessitated a review of the DIA on this occasion.

8. Financial and legal implications

- 8.1 There are no direct financial implications arising from this report.
- 8.2 There is no legal requirement to have a policy on these issues and there are no direct legal implications arising from this report.

9. Recommendations

- 9.1 That the Employment Matters Committee notes the content of this report and agrees the revised policy attached at Appendix A.
- 9.2 That the Employment Matters Committee asks officers to submit a review of this policy to this Committee in 2 years' time.

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Background papers

Agenda and minutes of Employment Matters Committee on 15 April 2009 and
10 June 2010

Care First Management Information

Appendix A



**Medway Council
Domestic Abuse Workplace Policy
(November 2012)**



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Medway Council Domestic Abuse Workplace Policy

Employees Experiencing Domestic Abuse

1.0 Introduction

- 1.1 The Council promotes the view that abuse against any individual is totally unacceptable and that every employee who is experiencing domestic abuse can raise the issue and be assured that the Council will support him or her.
- 1.2 The Council will take seriously cases where its employees are perpetrators of domestic violence and will investigate such cases as misconduct/gross misconduct in accordance with its disciplinary procedure.
- 1.3 The Council has developed this policy to support employees' health and wellbeing at work. It covers the internal and external support available to employees experiencing domestic abuse, including special leave provisions and signposting to external sources of advice and help.
- 1.4 Domestic abuse reduces an employee's ability to work and has an economic and attendance impact far beyond any sickness absence resulting directly from injuries received during abuse. These indirect costs include time off work, talking to lawyers and medical professionals, reduced productivity and promotion prospects for the individual as a result of working below her/his potential.
- 1.5 Individuals may even lose employment as a result of poor attendance or work performance, or as a result of the need to move to a different area to escape an abuser. Costs to the employer arise from lower productivity due to poor concentration on the part of abused employees, and the possibility of business disruption if a violent partner presents at the workplace.
- 1.6 The facts:
 - Domestic abuse accounts for 16 per cent of violent incidents in the UK.
 - One in four women and one in six men have been a victim of domestic abuse since the age of 16.
 - Domestic abuse has more repeat victims than any other crime (on average there will have been 35 assaults before a victim calls the police).
 - 89 per cent of those suffering four or more attacks of domestic abuse are women.
 - On average, domestic abuse claims the lives of two women each week and 30 men each year.
 - 75 per cent of children on the child protection register are living with domestic abuse.
 - Domestic abuse costs in excess of £23billion a year.
 - Domestic abuse is the largest cause of morbidity worldwide in women aged 19-44 (greater than war, cancer or motor vehicle accidents).

2.0 Equalities Statement

2.1 Medway Council is committed to providing equal opportunities and access to all. This policy embraces the spirit of managing a diverse workforce and those managing employees experiencing domestic abuse must ensure that no employee is discriminated against either directly or indirectly or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment. Likewise the council expects all employees to treat their colleagues and customers with dignity and respect.

3.0 Core values and council objectives

3.1 This policy supports the Council's Core Values. The council believes that a consistent approach to all areas of people management is fundamental to the delivery of quality services to the public.

4.0 Scope

4.1 The policy applies to all employees of Medway Council with the exception of schools based staff. This is because schools do not have to adopt the Council's policies. This policy will be recommended to schools for adoption.

5.0 Purpose

5.1 The purpose of this policy is to:

- Support employees experiencing domestic abuse;
- Enable employees experiencing domestic abuse to remain productive and at work;
- Aid managers seeking to support team members experiencing domestic abuse;
- Assist colleagues of those experiencing domestic abuse; and
- Reinforce organisational corporate social responsibility objectives by demonstrating that the employer values, and is prepared to support, staff during difficult periods.

6.0 Definition

6.1 The term "domestic abuse" rather than "domestic violence" is being used to ensure clarity that it is not only physically violent behaviour that constitutes abuse. The term domestic abuse reflects that a number of abusive and controlling behaviours are involved beyond violence. Some other agencies still use the term domestic violence, but the agenda remains the same. Slapping, punching, kicking, bruising, rape, ridicule, constant criticism, threats, manipulation, sleep deprivation, social isolation, denying access to money and other controlling behaviours all count as abuse.

6.2 Home Office Definition:

"Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality. It should also be noted that this could include a vulnerable person, adult or child, who is living in an environment

where they are witnessing domestic abuse. This includes issues of concern to black and minority ethnic (BME) communities such as so called 'honour killings'".

6.3 It is impossible to know with certainty what goes on behind closed doors, but there are some telltale signs and symptoms of domestic violence and abuse. If you witness a number of warning signs in a colleague, you can reasonably suspect domestic abuse. These may include:

- Frequent injuries, with the excuse of “accidents”
- Frequent and sudden absences from work
- Frequent, harassing phone calls from the family member or family members
- Fear of the family member(s), references to the family member(s)' anger
- Personality changes (e.g. an outgoing person becomes withdrawn)
- Excessive fear of conflict
- Submissive behavior, lack of assertiveness
- Isolation from friends and family
- Insufficient resources to live (money, credit cards, car)
- Depression, crying, low self-esteem

6.4 It is important to be aware of the signs so that you may approach the subject with the person sensitively if you have concerns either as a colleague or as a line manager. You may for example wish to approach the subject at a return to work meeting after persistent or sudden absences if some of the other signs are also present.

6.5 It is also important to remember that most research also suggests that domestic abuse occurs in all sections of society irrespective of race, gender, culture, nationality, religion, sexuality, disability, age, marital status, class or educational level.

7.0 Internal Support

7.1 In order to support employees who experience domestic abuse, the Council will:

- Nominate two appointed persons in the workplace (one male, one female) as a confidential first point of contact for those experiencing domestic abuse;
- Offer employees experiencing domestic abuse access to counselling, and publicise the availability of this support regularly through notice boards, the intranet and ongoing health and wellbeing initiatives;
- Offer access to counselling and other support as appropriate, to employees perpetrating domestic abuse who seek help from the employer; and
- Undertake to raise workplace awareness of domestic abuse issues through a programme of regular information initiatives.
- Provide training for managers so they understand domestic abuse and how to support staff, especially around honour crimes.
- Appoint specific managers who can be mentors for others.

7.2 It is appreciated that some employees may find it difficult to raise these types of issues with their immediate line manager. If this is the case, the employee can raise the issues with any other manager, or HR Services or their trade union representative. Employees can also contact the appointed person as a confidential

first point of contact. Contact details for these persons are on the Just4you intranet site or can be obtained from HR Advice on 01634 334499.

8.0 External Support

8.1 Details of organisations providing external support are attached at Appendix 1.

9.0 Line Managers' Role

9.1 Line managers have a crucial role to play in enabling employees experiencing domestic abuse to seek help. Care First, the Council's external Counselling Service provides management support to any manager requiring advice and assistance in handling sensitive issues including domestic abuse (Telephone 0800 174319). HR Services can also provide advice and guidance. The details of the specific managers who can be mentors for others can be found on the Just4you intranet site.

9.2 The role of the line manager is to:

- Foster an open management culture that enables team members to disclose sensitive issues;
- Provide support in the first instance, including specific advice on the options available, but also recognise the limitations of his/her role (managers are not professional counsellors or experts);
- Protect confidentiality in all instances except where to do so would leave children of the relationship at risk of harm or place a vulnerable adult at risk of significant harm/danger;
- Refer the individual to the appropriate internal or external source of help and support, for example the organisation's confidential point of contact or external agency;
- Ensure that the safety of all employees in the team is protected; and
- Enable the affected employee to remain productive and at work during a difficult period in his/her domestic life, for example by using the organisation's special leave policies and procedures.

9.3 If the line manager or anyone else supporting the employee considers that any children in the family or vulnerable adult may also be at risk of abuse, they must request a consultation with the Duty Manager of the relevant Area Team. For families living in the Medway Council area, the contact number is 01634 334466 from where they will be redirected to the Duty Manager of the relevant Area Team. For families living outside of the Medway Council area, they must contact the relevant local authority for advice.

10.0 Attendance

10.1 The Council recognises that those experiencing domestic abuse may need to be absent from work at times and will assist them by using its special leave or short-notice leave provisions.

10.2 Individual absences can be discussed and agreed between the employee and the line manager, with HR support where appropriate.

10.3 Flexible working, change of workplace and changes to hours of work will be considered wherever possible.

11.0 Security and Safety

11.1 As far as possible, the Council will protect the safety and security of all employees at work, including those affected by domestic abuse and their colleagues.

12.0 Perpetrators of Domestic Abuse

12.1 The Council will treat any criminal convictions related to domestic abuse as misconduct/gross misconduct and employees will therefore be subject to the Council's disciplinary procedure, which could result in the termination of their employment with the council.

12.2 In the event that an employee is imprisoned as a result of a conviction related to domestic abuse depending on the circumstances the council will consider treating such absence as frustration of the employment contract which is likely to result in the termination of the employee's employment with the Council.

Organisations providing external support

Care First is a confidential service for information and advice or counselling, available to you free of charge. Calls to Care First are voluntary – you decide when and if you want to use the service and you make the call yourself – from wherever you want. Care First are available 24 hours a day, 365 days of the year – your call will be answered by a professional and there is no limit to the number of times you can contact them. Telephone number: 0800 174319 or e-mail:

counsellingformedwaycouncil@care-first.co.uk

Medway Domestic Abuse Forum has produced a directory of services, which gives full details of where you can go for help, advice and support. Rather than list all of these here (as the contact details may change), you can obtain a copy of the pack from the forum, which is part of Medway Community Safety Partnership from
57 Romsey Close, Strood, Kent ME2 3TJ

01634 724365 Email: medwaydaf@aol.com

You can also obtain a copy from HR Advice on 01634 334499 or hradvice@medway.gov.uk

Medway Police Domestic Abuse Team can be contacted by dialling **101** by email domestic.violence.dz@kent.pnn.police.uk. Call **999** in an emergency.

Kent Domestic Abuse Support and Help (K-dash)

Help line (Mon – Fri 9am to 5pm) 01622 761146

One Stop Shop. Sunlight Centre, Richmond Road, Gillingham, ME7 1LX (Sat – Sun 9.30am – 12 noon)

Out of hours (Sat-Sun 10am – 2pm) 07961 021929

Men's Advice Line M.A.L.E: 0808 801 0327 freephone, Mon – Fri 10am – 1pm and 2pm – 5pm or email info@mensadvice.org.uk

Medway Housing Services: 01634 306000: Monday-Friday, 8.30am-5.15pm

Broken Rainbow: 0845 260 4460 (www.brokenrainbow.org.uk)

Broken Rainbow UK runs a national LGBT Domestic Violence Helpline providing confidential support to all members of the LGBT communities, their family and friends, and the agencies supporting them.

Samaritans: 01634 730981

08457 909090: National link line number. Someone to talk to 24 hours a day

Shelterline: 0808 800 4444: Monday-Sunday, 8am-8pm

Emergency access to refuge services or housing advice

Citizens Advice Bureau: Domestic Abuse Helpline 01634 383765. Email advice-medwaycab@hotmail.co.uk

Visit www.domesticabuseservices.org.uk

A new, excellent website for Kent and Medway and a handbook for downloading.

| | | |
|---|---|--|
| Directorate Business Support Department | Name of Policy Domestic Abuse Workplace Policy | |
| Officer responsible for assessment Paula Charker Head of HR Services | Date of assessment 13 March 2009 | New or existing? New |
| Defining what is being assessed | | |
| 1. Briefly describe the purpose and objectives | <p>The purpose of this policy is to:</p> <ul style="list-style-type: none"> • support employees experiencing domestic abuse; • enable employees experiencing domestic abuse to remain productive and at work; • aid managers seeking to support team members experiencing domestic abuse; • assist colleagues of those experiencing domestic abuse; and • reinforce organisational corporate social responsibility objectives by demonstrating that the employer values, and is prepared to support, staff during difficult periods. | |
| 2. Who is intended to benefit, and in what way? | <p>Employees are intended to benefit as the policy aims to help and support them if they are experiencing domestic abuse.</p> <p>Managers will benefit from the advice and information provided.</p> <p>The service to Medway customers will benefit by improved motivation, attendance, work performance and service delivery.</p> | |
| 3. What outcomes are wanted? | <p>Staff experiencing domestic abuse will be provided help and support at the earliest stage wherever possible.</p> <p>Managers will be more equipped to provide support to staff who are experiencing problems.</p> | |
| 4. What factors/forces could contribute to or detract from the outcomes? | Contribute <ul style="list-style-type: none"> • Managers becoming fully aware of the policy and dealing with matters as speedily and effectively as possible. • Staff feeling able to approach their employer, knowing they will be offered support. | Detract <ul style="list-style-type: none"> • Lack of awareness by managers. • Lack of support for managers. • Processes not followed appropriately or fairly. • Staff not believing that managers will understand the difficult issues they are facing. |
| 5. Who are the main stakeholders? | <p>Employees Managers Indirectly, customers and service users.</p> | |

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|---|---|
| 6. Who implements this and who is responsible? | HR Services implements the policy. HR Services and managers are responsible for ensuring the spirit of the policy is maintained and processes followed. |
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| Assessing impact | | |
|---|---|--|
| 7. Are there concerns that there <u>could</u> be a differential impact due to <i>ethnicity/ racial groups</i>? | NO | Domestic Abuse occurs across all racial groups. Managers need to have an awareness that Domestic Abuse can include forced marriages and so called “honour crimes” and that these occur in certain racial groups. All employees will be eligible to access the provisions in the same way |
| What evidence exists? | The Trade Unions and others (including the Kent and Medway Domestic Violence Co-ordinator) were consulted on the policy and did not raise any issues of concern. The Black Workers Forum has been consulted and did not raise any issues of concern in relation to diversity issues. | |
| 8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>? | NO | Domestic Abuse occurs across all sections of society. Disabled employees are eligible to access the provisions in the same way as anyone else |
| What evidence exists? | The Trade Unions and others (including the Kent and Medway Domestic Violence Co-ordinator) were consulted on the policy and did not raise any issues of concern. The Disabled Workers Forum has been consulted and did not raise any issues of concern. | |
| 9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>? | NO | The majority of Domestic Abuse occurs by men against women but there are women who abuse men and same gender abuse as well. Men and women are able to access the provisions in the same way |
| What evidence exists? | The Trade Unions and others (including the Kent and Medway Domestic Violence Co-ordinator) were consulted on the policy and did not raise any issues of concern. | |
| 10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>? | NO | Managers need an awareness that Domestic Abuse can occur in same sex relationships and that staff in these groups may be more reluctant to request support and assistance as they may not wish to divulge their sexual orientation. |
| What evidence exists? | The Trade Unions and others (including the Kent and Medway Domestic Violence Co-ordinator) were consulted on the policy and did not raise any issues of concern. | |

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| 11. Are there concerns there <u>could</u> be a differential impact due to <i>religion/ belief</i> ? | NO | Domestic Abuse occurs across all groups. Managers need to have an awareness that Domestic Abuse can include forced marriages and so called “honour crimes” and that these can occur due to religion/belief. All employees will be eligible to access the provisions in the same way. |
| | | |
| What evidence exists? | The Trade Unions and others (including the Kent and Medway Domestic Violence Co-ordinator) were consulted on the policy and did not raise any issues of concern. | |
| 12. Are there concerns there <u>could</u> be a differential impact due to <i>age</i> ? | NO | Managers need to be aware that Domestic Abuse can happen to people of all ages, including young people and older people |
| | | |
| What evidence exists? | The Trade Unions and others (including the Kent and Medway Domestic Violence Co-ordinator) were consulted on the policy and did not raise any issues of concern. | |
| 13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i> ? | NO | Managers need an awareness that Domestic Abuse can occur in all relationships and that staff in these groups may be more reluctant to request support and assistance. |
| | | |
| What evidence exists? | The Trade Unions and others (including the Kent and Medway Domestic Violence Co-ordinator) were consulted on the policy and did not raise any issues of concern. | |
| 14. Are there any <i>other groups</i> that would find it difficult to access/make use of the policy, or who might experience unfavourable treatment (eg people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)? | | The policy provides a positive framework within which all employees can obtain support and information. |
| | NO | |
| What evidence exists? | | |
| 15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (eg disability and age)? | | The policy provides a positive framework within which all employees can obtain support and information. |
| | NO | |
| What evidence exists for this? | | |

| Conclusions & recommendation | | |
|---|----|----------------|
| 16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact? | NO | Not applicable |
| | | |

| | | |
|--|-----------|----------------|
| 17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason? | | Not applicable |
| | NO | |

| Recommendation to proceed to a full impact assessment? | | |
|---|--|--------------------|
| NO | This policy complies with the requirements of the legislation and there is evidence to show this is the case. | |
| | What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes) | No action required |
| | Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes) | Not applicable |

| Planning ahead: Reminders for the next review | | |
|--|---|--|
| Date of next review | 3 years time | |
| Areas to check at next review (eg new census information, new legislation due) | Check that the application of the policy has been fair and consistently applied across the Council's workforce. | |
| Is there <i>another group</i> (eg new communities) that is relevant and ought to be considered next time? | Check that the policy continues to be accessible and fairly applied to members of the Council's workforce, including any additional demographic groups. | |
| Signed (completing officer/service manager) | Date 13 March 2009 | |
| Signed (service manager/Assistant Director) | Date | |

| Related documents |
|---|
| <ul style="list-style-type: none"> • Corporate Consultative Committee minutes 7th May 2008 • E-mail dated 24th April 2008; Subject: DWF feedback re: Drugs & Alcohol Policy |