

EMPLOYMENT MATTERS COMMITTEE

25 JUNE 2014

REVIEW OF DOMESTIC ABUSE WORKPLACE POLICY

Report from: Tricia Palmer, Assistant Director, Organisational Services

Author: Carrie McKenzie, Head of HR and Organisational Change

Summary

The report seeks agreement to the revised Domestic Abuse Workplace 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 The Domestic Abuse Workplace Policy was last considered at the Employment Matters Committee in June 2012 and the policy has been reviewed as part of the two year programme.
- 2.2 The Policy has been revised to incorporate changes to the Internal and External Support Networks and also to ensure that the Policy covers all types of domestic abuse and not just domestic violence. Further there is a more comprehensive section on the Council's expectations of its managers in supporting team members including a new Appendix (2) that provides a managers checklist that should be used when discussing this with a team member. The revised policy is attached at Appendix 1.

3. Advice and analysis

- 3.1 The policy will apply 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.

3.2 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 to reinforce organisational corporate social responsibility objectives by demonstrating that the employer values, and is prepared to support staff during difficult periods.

4. Consultation

4.1 Consultation on these very minor changes has taken place involving the trade unions and a selection of managers.

4.2 At the time of writing this report we have received no comments.

5. Risk Management

5.1 It is important that all staff are made aware of this policy and their responsibilities within it.

5.2 Failing to implement the policy in a fair and consistent manner may result in successful legal challenges.

5.3 Failing to adhere to the Council's responsibilities under the Equality Act 2010 could pose a legal challenge at employment tribunal.

5.4 It is therefore necessary for the new policy, included at Appendix 1 to the report, to be promoted throughout the Council.

6. Diversity Impact Assessment (DIA)

6.1 A Diversity Impact screening has been undertaken and it is considered that a full DIA is not required. This is included at Appendix 2 to the report.

7. Financial and legal implications

7.1 It is not envisaged that there will be any additional financial implications with the implementation of this policy.

7.2 Implementation of this policy enables the Council to comply with its various statutory obligations. Implementation of the policy is within the council's powers. In the application of this policy it is essential that a fair and consistent approach is to be applied to all staff in order to minimise successful legal challenges. The council must ensure that in the application of the policy due regard must be given to all relevant

legislation and in particular the Equality Act 2010 and The Employment Rights Act 1996.

8. Recommendations

- 8.1 That the Employment Matters Committee approves the revised Domestic Abuse Workplace Policy as set out in Appendix 1 to the report.
- 8.2 That this policy is reviewed in two years time and any proposed changes are referred to this Committee.

Lead officer contact

Carrie McKenzie, Head of HR and Organisational Change 01634 332261
Carrie.mckenzie@medway.gov.uk

Background papers

None



Medway Council Domestic Abuse Workplace Policy

Issue Date: June 2014

Review Date: June 2016

Lead Officer: Carrie Mckenzie, Head of HR and Organisational Change



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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 abuse 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 and underlines our duty of care to staff. 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:
 - Nearly 1 million women experience at least one incident of domestic abuse each year
 - At least 750,000 children witness domestic violence each year
 - Two women are killed each week by their partner or ex-partner
 - Women experience at least 35 incidents of domestic abuse before reporting it

Data source: http://www.cps.gov.uk/news/articles/domestic_violence_-the_facts_the_issues_the_future/

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. It means that one person is abusing their power and control over another. 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
- Reluctance to finish work, starting work earlier
- Submissive behaviour, lack of assertiveness
- Isolation from friends and family
- Insufficient resources to live (money, credit cards, car)
- Depression, crying, low self-esteem, lack of confidence

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. Whilst predominantly affecting women, there is evidence that the incidents of abuse is growing in same sex relationships, from women to men, from children to parents and relatives to their carers, for example.

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;
 - **Sallyann Baxter** - email: sallyann.baxter@medway.gov.uk
phone: 01634 336310
 - **Ian Townsend** - email: ian.townsend@medway.gov.uk
phone: 01634 334142
- 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 staff who can be mentors for managers.
 - **Marc Blowers** - email: marc.blowers@medway.gov.uk
phone: 01634 334382
 - **Barbara Guess** – email: barbara.guess@medway.gov.uk
phone: 01634 334079
 - **Suzanne Mehmet** - email: suzanne.mehmet@medway.gov.uk
phone: 01634 335616
 - **Tim England** - email: tim.england@medway.gov.uk
phone: 01634 333534

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:
1. Foster an open management culture that enables team members to disclose sensitive issues;
 2. Be sympathetic and non-judgemental;
 3. Provide support in the first instance, including specific advice on the options available – the Domestic Abuse Discussion Checklist (Appendix 2) can facilitate this and must be used. Managers must also recognise the limitations of their role as they are not professional counsellors or experts);
 4. 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;
 5. 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;
 6. Ensure that the safety of all employees in the team is protected; and
 7. 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.
- 9.4 To support managers, or others to whom an employee approached regarding domestic abuse, a checklist of issues to discuss is attached as appendix 2. This provides a framework for discussion, ensures consistency in advice and support offered and can be reviewed as situations develop and change. It can also give the employee the confidence that they are being treated seriously and sincerely.

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.
- 12.3 In cases where abusers are genuinely looking for help and support to change their behaviour etc, the council will "signpost" them to organisations that can offer this very specialised support. Information given will be treated in confidence unless it affects children or vulnerable adults, and will be dealt with as referred in paragraph 9.3 above.

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.

Domestic Abuse Support in Kent have an excellent website detailing services available in both Medway and other areas of Kent, as well as a downloadable handbook: <http://www.domesticabuseservices.org.uk/>

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, email info@mensadviceline.org.uk, www.mensadviceline.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
Shelter - www.england.shelter.org.uk/get_advice/domestic_abuse

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

Domestic Abuse Discussion Checklist

This checklist should be used *every* time a manager is presented with a disclosure of domestic abuse from a member of staff. It is important to ensure that the manager has done everything they should have, and considered all angles in which the organisation could support and help the member of staff.

Please note, due to the very nature of domestic abuse, situations and risk can change, develop or escalate very quickly and therefore the Discussion Checklist and the plan of action should be revisited on a regular basis in order to best help the victim and keep them safe.

Domestic Abuse Discussion Checklist

Section 1

NAME OF EMPLOYEE:	REPORTED TO (NAME):	DATE:
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	TASK	ACTION / NOTES	DATE COMPLETE
1	<p>Ensure that any discussion about the employee's situation takes place in privacy and that their confidentiality is respected as far as possible (unless there are overriding concerns such as child protection concerns – please see Para 9. 4 of policy for safeguarding contacts)</p>		
2	<p>What does the employee want to do?</p> <p>What measures do they feel could help them at work?</p> <p>Suggestions –</p> <ul style="list-style-type: none"> • Temporary flexibility on start/finish times • Change of work location • Screening of external calls/emails from abuser • Stress risk assessment • Share brief information with any colleagues as additional form of support • Prevent lone working • Manager to create log of contact/incidents they are aware of 		

	TASK	ACTION / NOTES	DATE COMPLETE
3	<p>Discuss whether to report the abuse to the police. Highlight the benefits of doing this.</p> <p><i>Remember, do not pressure them if they do not want to report it!</i></p>		
4	<p>Does the employee need to see Occupational Health, a GP or other professional for medical attention?</p>		
5	<p>What methods of support have been discussed and explored regarding the work place?</p> <p>Has work performance or attendance been affected?</p>		
6	<p>Give the employee information about:</p> <ul style="list-style-type: none"> ▪ Care First ▪ Local refuges ▪ Help lines 		

7	<p>Has a referral been made to an Independent Domestic Violence Advisor (IDVA), Housing or the Police for risk assessment and/or further support? Which agency will be involved?</p> <p>Has the employee consented to this?</p> <p>NB: Normally consent should be obtained from the employee unless, in your professional judgement, there is a risk of serious harm or murder http://www.domesticabuseservices.org.uk/professionals/directory/#advice-and-support)</p>		
8	<p>Has a safety plan (see section 2 of this document) been discussed and drawn up:</p> <ul style="list-style-type: none"> a) Regarding the workplace b) Regarding the home? 		

9	<p>Have you given the employee information about local advice/support agencies and how to contact them.</p> <p>Has the employee been given a copy of 'organisations providing external support – Appendix 1 of the policy'?</p> <p><i>It may be useful to offer help in contacting agencies if the employee would feel more comfortable that way.</i></p>		
10	<p>If the person completing the checklist is not the employees line manager, consideration should be given to informing the line manager. Describe to the employee the possible difficulties that could arise from the line manager not knowing, e.g. performance or absence monitoring.</p>		
11	<p>When will the employee's situation next be reviewed?</p>		

Employer's Safety Plan Checklist

Section 2

Please discuss and complete all of the following fields to help an employee consider their options and plan for their safety.

Ask some of the following questions:

	ACTION
In what way can I (and others) help you?	
What do you feel would help you keep safe?	
Do you have any concerns about your children's safety?	
What have you tried in the past to protect yourself and your children?	
Did any of these strategies help?	

Safety considerations at work:

Advise employee to keep emergency numbers at hand where possible.	
Emergency contact person and details in case you can't contact the employee.	
Have you identified the organisation's contact and given their details to the employee?	
Offer, if possible, changes to the employee's workplace location and work hours, especially if they do front line work or can be seen in the building.	
Consider changing / increasing workplace security:	

Change keypad numbers/ door access codes	
Remind front line staff not to give out personal information, including contact details and working hours.	
Ensure the HR / personnel information is secure.	
Review parking arrangements – does someone need to escort the employee to their car?	
If the employee is experiencing any form of domestic abuse, stalking or harassment, discuss the possibility of getting a restraining order for the workplace/surrounding environment	
If the employee consents, advise colleagues (on a need to know basis) what they should do to help. Do I have the employee's consent?	
Are there any other measures that could help? Discuss with employee.	

General safety advice:

- ❑ Talk through the Safety Plan Handout.
- ❑ Suggest, if appropriate, that the employee talks in more detail about safety outside the workplace with the police.

Domestic Abuse Personal Safety Plan Handout

Safety considerations at work:

1	Keep emergency numbers easily accessible – consider the use of a mobile phone that connects directly to the police.
2	Know who your contact person is in your organisation if you need help or advice.
3	Give your organisation the name and number of an emergency contact person for you.
4	Tell someone if you are receiving any sort of threat or harassment at work
5	Think about how you travel to and from work – try to make sure that you are not travelling alone or in the dark.
6	If there is anything you think your employer can do to help increase your safety, ask as soon as possible.

General safety advice:

1	Arrange where you might go if you have to leave urgently.
2	Find places where you can quickly and safely use the phone.
3	Always carry a list of numbers with you in case of an emergency.
4	Try to save money so that you have bus or taxi fares in an emergency.
5	Get an extra set of keys for the house / car.
6	Keep the keys, money and anything else you may need in a safe place, should you have to leave quickly.
7	Talk to your children. Let them know it's not their fault. Children do not have to see abuse to be affected by it. They hear it, sense it and can be sad and frightened by it.
8	Talk to friends, relatives, your doctor, nurse or others about how you feel.

If you decide to leave home, consider taking:

Birth certificates	Marriage certificate	School records
Medical records	Driving licence	Car documents
Money	Credit cards	Cheque books
Benefit books	Rent books	Passports
Work permits	Visa	Medications
Several days clothing	Personal possessions with sentimental value	Children's favourite toys

For more information, please go to <http://www.domesticabuseservices.org.uk/search/area-search.asp?areasearch=medway>.

Appendix 2 - Diversity impact assessment

TITLE <i>Name/description of the issue being assessed</i>	Domestic Abuse Workplace Policy
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DATE <i>Date the DIA is completed</i>	10th June 2014
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LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Carrie Mckenzie Head of HR and Organisational Change
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- 1 Summary description of the proposed change**
- *What is the change to policy/service/new project that is being proposed?*
 - *How does it compare with the current situation?*

The Domestic Abuse Workplace Policy has been reviewed in line with the two year cycle and a number of revisions have been made, primarily around a general update of both internal and external contacts together with clarity on the role of the manager including a new appendix (2) that gives a template checklist for managers to use when discussing this matter with a colleague.

- 2 Summary of evidence used to support this assessment**
- *Eg: Feedback from consultation, performance information, service user records etc.*
 - *Eg: Comparison of service user profile with Medway Community Profile*

The policy covers all Medway non-schools employees and with the pre-revision policy being in place for two years without feedback it is reasonable to assess the nature of the changes as having a negligible impact.

Appendix 2 - Diversity impact assessment

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age			X
Disability			X
Gender reassignment			X
Marriage/civil partnership			X
Pregnancy/maternity			X
Race			X
Religion/belief			X
Sex			X
Sexual orientation			X
Other (eg low income groups)			X

4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

As the policy is designed to cover all employees regardless of whether they have a protected characteristic or not I have assessed all as “foster good relations”

Appendix 2 - Diversity impact assessment

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review date

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- *to proceed with the change implementing action plan if appropriate*
- *consider alternatives*
- *gather further evidence*

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

8 Authorisation

The authorising officer is consenting that:

- *the recommendation can be implemented*
- *sufficient evidence has been obtained and appropriate mitigation is planned*
- *the Action Plan will be incorporated into service plan and monitored*

**Assistant
Director**

Appendix 2 - Diversity impact assessment

Date

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443

email: annamarie.lawrence@medway.gov.uk

C&A: phone 1031

email: paul.clarke@medway.gov.uk

BSD: phone 2472 or 1490

email: corppi@medway.gov.uk

PH: phone 2636

email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication