

Sefton Council
Zero Tolerance Guidance:
Racial Abuse and Discrimination
towards Staff

Introduction from Phil Porter Chief Executive & Marion Atkinson:

Sefton Council is wholly committed to equality, diversity and inclusion across our organisation and across the borough. In line with our approved strategy and as part of our agreed action plan, the implementation of a policy of Zero Tolerance towards any discriminatory behaviour towards our workforce has been a priority. We are pleased with the robustness of the policy itself, and are committed to ensuring that it is implemented organisation-wide, as comprehensively as required, to ensure support for all members of our workforce wherever necessary. We also believe that the additional guidance accompanying this policy related to specific protected characteristics will also be beneficial from a learning and development perspective, as this is a key area of focus throughout our strategy and action plan.



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Purpose

This guidance provides additional information to support staff effectively who are at risk of racial abuse or discrimination. Its aim is to clarify how a supportive work environment can be achieved, where Black, Asian and Minority Ethnic staff feel safe and understood by their managers and colleagues, comfortable to report racist incidents at work and their workforce potential is fully cultivated for the benefit of Sefton's community.

It also directly addresses Sefton's EDI Strategy Objectives: 3.1, 3.8, 4.2, 4.3, 4.5, 4.6. In order to live up to Sefton's commitment within the workplace, racism needs to be explicitly condemned

and challenged, and this is key to providing the foundation for change. This can be achieved by setting out clear expectations for employers, for staff and for the people it delivers services to.

Britain remains a vastly unequal society despite the Race Relations Act 1976 making discrimination on the grounds of race unlawful. In 2004 the Equality Act superseded the RRA and introduced the Public Sector Equality Duty. Inequality continues to manifest itself in all areas of life across the UK including access to employment, educational achievement, becoming a victim of crime, contact with the police, the courts and custody, health outcomes, and, as has become increasingly apparent during the Covid pandemic, life expectancy. Sefton recognises its collective duty to reflect on what part it plays in either perpetuating or redressing the barriers and discrimination faced by people from Black, Asian and other Minority Ethnic communities.

Why specific guidance for addressing abuse or discrimination towards Black, Asian and Minority Ethnic is beneficial and needed:

- **INCREASED RISK-** It is recognised that some employees may be at increased risk of unacceptable behaviour during their normal work which includes Black, Asian and Minority Ethnic staff members. Staff feedback has also indicated that this is an area of adverse experience that is ongoing both in work and society. Racist, abusive and threatening behaviour remains a serious problem across the UK and within Sefton.
- **BENEFITS OF PLANNING & PREVENTION-** Employees benefit from a clear plan of action and support to prevent incidents and experiences where possible but also to instil a sense of confidence about how they will be supported if necessary and avoid long term distress. Employees can then have the skills and confidence to de-escalate the situation and build resilience when working in these circumstances. It also ensures they fully understand any system that is in place for their protection.'
- **CLEAR STATEMENT OF INTENT-** The phrases 'silence is violence' and 'if you are not part of the solution, you are part of the problem' powerfully capture the call to action for all people and organisations who care about social justice. They compel us all to work together to proactively identify and address all incidents of racist prejudice and abuse. The demand for this statement of intent, defining how as a system we intend to put our 'Zero Tolerance' of racist abuse into practice so that it becomes more than empty words.
- **SUPPORTS WELL-BEING-** The damage racism causes to a person's sense of safety and well-being can be significant but often unappreciated by the victim or those around them. Black, Asian and Minority Ethnic people can encounter racism throughout their lives, when in work and outside of work. It is not unusual for these experiences to become normalised or dismissed, as a coping mechanism but they can still undermine a person's mental health and well-being. However, Sefton Council is committed to acknowledging the lived experiences of their Black, Asian and Minority Ethnic employees and providing a safe work environment where support and understanding is consistently provided.

Definitions

Language can be a carrier of unconscious bias and prejudice, so it is important that we are all careful to use terminology regarding race and ethnicity that is sensitive and will engage with and invite input from staff. Following feedback from staff, this document will use the term Black Asian & Minority Ethnic in place of the abbreviations, BME/BAME, which are considered to be unhelpful by staff. BME refers to Black and Minority Ethnic and BAME refers to Black, Asian and Minority Ethnic. In this context 'Minority Ethnic' has broad meaning that includes but is not limited to the communities that experience oppression such as Eastern European, Gypsy, Irish Traveller, Turkish, Middle Eastern, Arab and Jewish. It is acknowledged that the term 'Global Majority' is an increasingly used term in the UK when discussing issues around ethnic groups, as it acknowledges how the term ethnic minority references a limited geographical context.

Legislation

Equality Act 2010 Racist discrimination is when a person is treated unfairly or differently because of their race. This treatment could be one off or a regular occurrence, direct or indirect and it also doesn't have to be intentional to be unlawful. The Equality Act 2010 states that you must not be discriminated against because of your race. The Equality Act 2010 explains that race can mean your colour, or your nationality (including your citizenship). It can also mean your ethnic or national origins, which may not be the same as your current nationality. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race. The Equality Act 2010 protects people from discrimination, harassment and victimisation based on race which is one of the nine protected characteristics covered within the act.

Different types of race discrimination

The Equality Act 2010 states that there are four main types of discrimination within the protected characteristic of race, these are:

- **Direct discrimination** - Direct discrimination is when someone is treated unfairly because of a protected characteristic, such as their race. Direct discrimination also could include how a person's race is perceived regardless of whether this perception is correct or not, or the race of someone they are associated with such as a friend or family member.
- **Indirect discrimination** - Indirect racism is usually less obvious than direct racism. This can happen when an organisation puts a rule, policy or a way of doing things in place which has a worse or negative impact on someone with a protected characteristic than someone without one.

- **Harassment** - Harassment occurs when someone makes you feel humiliated, offended or degraded. Harassment is defined as unwanted conduct related to a relevant protected characteristic with its purpose of violating a person's dignity and or creating an intimidating, hostile or offensive environment for that person.
- **Victimisation** - This is when you are treated badly or more unfavourably than others. This could be because you have made an allegation, supporting a complaint of discrimination, given evidence relating to a complaint of discrimination or raised a grievance concerning equality or discrimination under the Equality Act 2010. Victimisation may also occur if a person is suspected of doing one or more of the above.

Other forms of racism include:

Microaggressions - is a term used for brief and commonplace daily remarks, questions, or actions whether intentional or unintentional, that communicate hostile, derogatory, or negative prejudicial slights and insults, particularly towards ethnic minority groups or groups that are discriminated against or subject to stereotypes. For example, a person asking if they can compare their holiday tan with a colleague from a mixed-heritage to see if their skin is darker and therefore unintentionally making them feel uncomfortable having their skin colour focussed on in such a way.

Macroaggressions - Large-scale or overt aggression toward those of a certain race, culture or gender. Macroaggressions are obvious intentional insults where there is no chance of a mistake on the part of the transgressor to be provoking, insulting, or otherwise discourteous. For example, an informal conversation amongst employees where a racist term is used to describe someone or a group of people.

Racial Gaslighting - racial gaslighting is related specifically to psychological abuse surrounding racism. Racial gaslighting is when a victim is led to doubt and question their own sense of reality regarding racism. This can include countering a person's memory of events, withholding "understanding", refusing to listen, "forgetting" or denying that something happened, playing down a person's feelings as unimportant or irrational, questioning the credibility of what the person is saying and victim blaming. For example, a professional being told to 'grow a thicker skin' when an incident of racism is raised as a concern, implying the only problem is their reaction.

There can also be a range of abuse and discrimination from unintentional misunderstandings or lack of awareness but colleagues and managers have a duty to be ready to listen and understand, in order to lessen these incidents. Unintentional harm from comments or actions linked to a person's ethnicity can still be damaging and lead to colleagues feeling unsafe or uncomfortable in their place of work.

Confidentiality

Staff will need to feel confident that any abuse that they are subjected to will be addressed. All partners are committed to address staff concerns in a confidential manner. Staff who want to raise an issue should be advised to go to their manager or a named contact person dealing with racial abuse. Following discussion, all involved parties should agree what action will be taken. Staff should be advised that the employer has a duty of care for their health and wellbeing, and that key information needs to be collated that will help the organisation address racist behaviours and institutional racism.

Clear guidance on reporting whether the concern raised falls into one of the following categories;

- Racial Incident
- Safeguarding
- Criminal offence

(Protocols should be followed where existing Council and/or agency policy and procedures exist.)

Anonymised data should be collated as part of the organisation's Equality Diversity & Inclusion Strategy.

Safe Spaces

It is recommended that all partners provide a 'safe space' for colleagues sharing circumstances or characteristics to connect with others, share experiences and challenge organisational practices to create a more inclusive working environment. Managers should encourage Black Asian & Minority Ethnic staff to have Safe Spaces within supervision, team meetings and where group sessions are facilitated. When setting up safe spaces, clarification on purpose and desired outcomes will be essential so that all parties involved do not feel that they are being 'set up'. Staff Network groups such as the DEBs Group also provide colleagues with peer support in terms of next steps or simply a trusted person to talk to.

Management Support

It is a manager's responsibility to ensure that all racist incidents are reported and actioned appropriately. If a member of staff has been subject to racist abuse, they can access support from their manager, the EDI Officer or the Staff Network group.

- Sefton employee support network - DEBs (Diverse and Ethnic Background Staff) Group
- Anthony Walker Foundation for Mental Health Support
- Trade union support at [Trade union information \(smbc.loc\)](https://www.smbc.loc)

Safeguarding:

When reporting abuse crosses over with Safeguarding procedures. The Council is not required by law to carry out enquiries for those individuals who do not fit the 3 stage condition threshold for adult safeguarding, however they may do so at their own discretion. These enquiries would relate to an adult who is believed to be experiencing, or is at risk of, abuse or neglect but does not have care and support needs. These enquiries might be about a carer for example, or someone with support needs but no obvious care needs. In this instance MASH can progress to S 42 (2) and undertake non-statutory safeguarding enquiries.

Threshold for reporting incidents to the Police

For more serious incidents, it may be necessary to report the abusive behaviour to the Police by calling 101 or via the Hate Crime Reporting website. Advice from the Police is that the worker who has been abused would have to be prepared to press charges for the Police to investigate the incident. When an incident is reported to the Police:

- If the person committing the offence is ‘vulnerable’, safeguarding measures would be sent to the local authority
- Even if a prosecution is not pursued it is good to have the incident logged as this may be used to evidence a pattern of behaviour if the abuse continues
- Community Resolution is an option available to the police in such cases
- Victim Support will also be triggered for the employee involved

All organisations agree that the affected workers are to be offered all appropriate support such that:

- they feel confident to report incidents to the Police and to press charges
- are supported to participate in the Police investigation
- are supported to attend court if required
- they are paid to complete the report, to meet with the Police and attend court if required.

Joint Process for Reporting and Investigating incidents of Racism

If a person feels that they have been subjected to or witnessed racist discrimination while at work, they should be confident in raising the matter with their manager and be assured it will be taken seriously. If a staff member is not comfortable reporting to their manager then an alternative option will need to be in place.

There should be an understanding as to why staff might be reluctant to report:

- Although in some cases staff will formally report an abusive incident or harassment to staff, research indicates that staff do not always feel comfortable raising issues around third-party abuse with managers. They can be fearful of it being dismissed or being perceived as a sign they cannot handle their role.
- Staff can also become ‘desensitised’ to abuse or harassment to the extent that it can be seen as a ‘normal’ part of their role. It is therefore important that managers encourage an open dialogue about third party abuse and be mindful that it may not always be reported through the expected route, i.e., immediately from workers to their manager. It may be that discussion about abuse can occur in passing in conversation, in a one-to-one or a supervision session.
- In addition, third party abuse or harassment can sometimes be overlooked in cases involving employee disputes, capability, or disciplinary proceeding. Managers, HR and Health and Safety should all be alert to situations where third-party abuse may be detected which has not been raised through the expected route.

Key actions following an incident:

All incidents of racist abuse should be reported to the line manager immediately and the manager should meet with the staff/care worker for a debriefing including obtaining an account of the incident. A summary of this meeting and its discussion points should be recorded and emailed to all attendees within 2 working days.

When the incident of racist abuse is by a Sefton citizen who is receiving care and support then:

- the employing manager should work with the affected employee to decide on whether the incident should be reported to the Police and any further immediate action to be taken in accordance with the agreed protocol below.
- an incident report should be completed and sent to their HR by the employing organisation or as per their internal procedures
- steps should be taken to ensure the member of staff/care worker is well supported and identify resources and support networks as appropriate

all organisations agree to work to the principles that:

- requests to replace the worker from the Black, or Asian, or other minority ethnicity with a white worker should not be entertained as this would be seen as condoning and colluding with the racist behaviour (exceptions to this must be agreed at Head of Service and/or Area Manager level)
- the shared response from all organisations should seek to:
 - ◇ give a clear message that racist abuse will not be tolerated o reduce the number of incidents of racist abuse experienced by staff in the short term
 - ◇ eliminate such incidences of racist abuse in the long term

Abusive or discriminatory behaviour by a colleague

When the incident of racist abuse or discrimination is by a colleague from the same organisation then this should be reported to Human Resources or equivalent as an incident of racism and the appropriate internal policies and procedures of the employing organisation should be followed. The staff member might want to speak to a trusted colleague for an informal but supportive conversation which might consider possible next steps. The victim's views and feelings should be central before any action is taken.

If the incident is regarding racist abuse by a colleague from a second organisation then this should be reported to HR/equivalent as an incident of racism and the appropriate internal policies and procedures of the first organisation should be followed. Also, reported to the appropriate manager in the organisation that employs the alleged abuser. This second organisation will be required to work with the first organisation to complete a joint investigation and agree a shared outcome.

Managers support

It is firstly a manager's responsibility to support staff who have been subjected to racist abuse.

They should make the team aware of their open-door policy in meetings and on a regular basis.

They should have training on how they should initially respond effectively, emotionally, and practically.

Managers should be aware of the processes and procedures – for both internal and external incidents of racist abuse. The zero-tolerance policy should link to a tool kit for managers.

They should understand all of the options and discuss with the member of staff how to come to an agreement on the next steps.

If it is deemed necessary - clear guidance is needed so managers can construct a letter to member of public – this to be linking from Zero Tolerance.

Managers should also offer other forms of support internally and from outside agencies – Zero tolerance can contain a list of services.

Managers can use the Additional Guidance for Managers documents that explains their role in more detail.

Top Tips for setting up a ‘Safe Space’ for staff

Stay Connected. What does it mean to create a safe space for employees? It’s hard to tell if you don’t know your workers, so take some time to learn more about them.

Don’t be intrusive, but get to know your team on a personal level so you can better provide for their needs. Safe spaces mean different things to different people, so don’t just rely upon your preconceived notions of what your employees might want. Remember to learn not just about their personalities, but also how they handle conflict.

Have an Open Door Policy. Can your employees talk to you about the things that bother them? Does your team feel comfortable taking time out of their day to let you know what’s going on? You can’t provide a safe space if your team is afraid of you, so implement a true open-door policy that will help to foster a sense of communication. In addition to keeping your door open, you’ll also need to guarantee a certain degree of privacy - no one will talk to you if their issues become the latest bit of workplace gossip. Your team should feel comfortable in the knowledge that what they tell you will stay between the two of you.

Listen: Then Take Action. One of the best ways to create a safe space for your employees is to stop and listen before you take any action. When your employees come to you, they’re not always looking for you to take an immediate stand. Take some time to gather up all the information, investigate what you are realistically able to do, and then take the appropriate action. This creates not only a safe space for your workers, but one that can realistically provide for their needs. Immediate action might feel good, but properly researched action is better able to solve problems over the long term.

Find Leaders. Identify leaders within your workplace as a method of creating a safe space for your employees. While this is a very good idea for those who are concerned with physical safety, it’s also very important for those who are looking to create an emotionally and psychologically safe space for employees. Good leaders will be your eyes and ears in the workplace, identifying problems that you are too removed to spot. It might be a good idea to start your search by looking at those employees who have received service awards in the past.

Creating a safe space is not always easy, but it is rewarding. If your employees feel comfortable, they can be more productive and will become more loyal. A safe space will help you to create the kind of workplace that your employees truly deserve. These Safe Spaces could be staff led or facilitated. Staff may need support to speak out about issues as confidence increases. The DEBs Group acts as an organised presence for Sefton’s Black, Asian and Minority Ethnic workers. This is an inclusive group, embracing all ethnic strands of the workforce. You do not have to be a member of a union to be a member. Individuals can connect with each other and feel a sense of belonging. Through sharing of experiences, supporting cultural and organisational behaviour change and making contributions to policy and practice.

TIPS!

Positive action can include:

1. Awareness that we all have unconscious biases. Be curious about your own and how these may impact on your interactions with others.
2. Acknowledging and calling out the pain caused by racist beliefs and actions – doing nothing can be interpreted as agreeing.
3. Centring Black, Asian & Minority Ethnic voices without placing the burden on individuals to lead conversations about race.
4. Listening to hear, rather than listening to respond and actively listen to the voices of those most impacted.
5. Being aware of potential personal discomfort when engaging in dialogue if you are not a member of the Black, Asian & Minority Ethnic community. Check in and make sure that your intention matches your impact.
6. Being curious about openness to listening and deepening your understanding about others' experiences and the effects, with no expectation that they take you up on it.
7. Being open to taking responsibility for your own education and examine your understanding of the intersections of race and ethnicity with other protected characteristics.
8. Being genuine and honest in terms of what you can offer as support.

Take care to avoid:

1. Remaining silent in the face of injustice and discrimination.
2. Perceiving a person's experience of discrimination as a personal criticism of your values.
3. Expect Black, Asian & Minority Ethnic individuals to educate you. This is potentially re-traumatizing, don't assume your colleague is comfortable with explaining something about racism or their lived experience with you.
4. Sharing viral recordings of Black, Asian & Minority Ethnic individuals being harmed.
5. Assuming that every Black, Asian & Minority Ethnic person is impacted in the same way or needs the same kind of support.

