



# **Guidance for managers and workers on eliminating racism at work**

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# 1. Introduction

**This guidance is for you if you are a manager or a worker (including international workers) in the adult social care workforce in the East of England.**

The East of England includes Bedfordshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk.

Workers in the region continue to experience persistent racism - which is impacting significantly on their wellbeing and life chances.

This guidance explains exactly what to do and where to seek advice or support if you, a colleague, co-worker, or someone you manage is affected by racism at work.

## 2. What this guidance will help you to do

In time, if managers consistently respond to every report of racism, in line with this guidance, we can establish a culture where racism at work is eliminated, because:

- Racism will never be allowed to **occur or persist without consequence**.
- We will **learn** and become **more confident** to recognise and address racism.

## 3. What is racism?

Racism is discrimination or prejudice against a person or a group of people because of their race. Under the Equality Act 2010, race is a protected characteristic. This includes someone's actual or perceived colour, nationality, ethnic or national origins. It is against the law to discriminate against someone because of their race.

Discrimination can be direct or indirect:

- Direct discrimination is treating someone with a protected characteristic less favourably than others.
- Indirect discrimination is putting rules or arrangements in place that apply to everyone, but disadvantage someone with a protected characteristic.

Racism can take different forms. It can be overt behaviour which creates an intimidating, humiliating, or offensive working environment, such as:

- Using racist language
- Bullying or harassment

- Making offensive comments about someone's appearance, manner of speaking or professional ability because of their actual or perceived race, colour, ethnicity, or nationality

or more subtle behaviour such as:

- Excluding someone from conversations or declining to meet or work with them
- Not respecting someone's expressed cultural or religious needs
- Making assumptions or generalisations about someone because they are from a specific ethnic group
- Dismissing or belittling someone's experiences of racism.

In all cases, racism should never be ignored or tolerated.

## **4. What is anti-racism?**

Anti-racism is the policy or practice of opposing racism and promoting racial equality.

Employers cannot claim to be legitimately anti-racist unless they are prepared to name racism and work to dismantle racial discrimination.

## **5. What to do if you are a worker affected by racism at work**

All employers have a legal duty to protect you, your colleagues and co-workers from racism at work. This is set out in the Equality Act 2010.

This means that your manager has a legal duty, on behalf of your employer, to support you if you are affected by racism at work, and to act to prevent it from occurring again.

If you experience or witness racism either in work or because of your work, tell your manager as soon as possible.

Your manager should listen to you, support and protect you. They must take your report seriously, investigate it and take effective action to prevent it happening again.

Ask your manager for regular updates about what they are doing to:

- Keep you and your colleagues and co-workers safe at work
- Investigate the racism
- Stop the racism from happening again.

You can ask for these updates in writing, so that you can keep a record of whether your employer is taking the right steps to deal with your report of racism.

If you are not confident your employer is doing this, you then have clear evidence to make a complaint through your employer's grievance procedure.

You can find out more about how to make a formal grievance on the [Acas website](#).

We recognise it can be difficult to talk about racism. If you feel unable to report a racist incident to your manager you can ask another manager in your organisation to support you. You can also seek free advice from [Acas](#) or [Citizens Advice](#).

Jump to details in this document about [supporting employees affected by racism](#).

## **6. What to do if you witness racism at work**

If you identify racism at work, you must act. Always make it clear through your actions you don't approve of or agree with someone who is racist.

If you are in a position of leadership – for example, a manager, team leader supervisor or someone chairing a meeting - you have a duty to act immediately if someone is racist.

Saying nothing may mean people think you share such views.

If racism occurs in front of you, you should stop a meeting or ask the person responsible to stop, apologise or leave.

If you are speaking up to address racism, you should:

- Remain professional. You may be angry or upset but it is important to be calm and respond in an objective way.
- Explain clearly to people present what you heard or saw to be racist and why this was the case.
- Be factual about what you have witnessed and explain the action you are going to take.
- Depending on what happened you could say:
  - "I would like us to reflect on what was just said – because I believe these words could be harmful to others.
  - "I am clear this behaviour needs to stop immediately"
  - "I am not in a position to deal with this, so I am going to have to report this immediately to my manager."

Sometimes you may not feel confident to speak up straight away, or you may not be sure how best to respond. If so, do not participate in any discussions or behaviours that you feel are racist or harmful.

If you witness racism affecting someone, offer your support as soon as you can. If they want to share their experience with you, listen to what they have to say and acknowledge how this has made them feel. Help the person affected to report the racism so that it is dealt with effectively.

If you are not a manager, you must always report the incident to a manager as soon as you can. Ask for their support so all racism at work is addressed.

## **7. What to do if someone you manage is affected by racism**

If racism is reported to you, the following actions must be taken.

### **Respond to reports of racism quickly**

Your first response should be to listen carefully and acknowledge what is being said. Reassure the person reporting that support is available to them, and the incident will be investigated and acted upon.

Consider the following, when first responding:

- Find a private space to ensure you can give the person reporting your full attention without being interrupted or overheard.
- Show empathy and reassure them they are doing the right thing by reporting to you.
- Allow time for them to explain what they have experienced.
- Don't downplay the incident or make assumptions. Listen objectively and make a note of the main issues.
- Recognise the person reporting the racism to you may need time to process what they have experienced and decide what they want to happen next.
- Consider any immediate adjustments that may be required to:
  - Protect the person reporting (or other workers). This might include changing someone's working pattern or adjusting duties temporarily to avoid repeated racist incidents while you investigate what has happened.

- Recognise the person affected by racism may be traumatised. Check if they need wellbeing support and take responsibility for arranging support.
- The person may express they do not want you to take the matter further. You should acknowledge this but explain that you may still have to act to ensure racism is not allowed to persist or cause further harm to colleagues or co-workers.
- Offer reassurance and explain the steps you must take in accordance with the **policies published by your organisation to deal with issues like this at work.**

Make sure you explain to the person affected the policy you will follow to deal with the racism.

## 7.1 Racism between colleagues

If you experience or witness racism caused by a worker or manager in your organisation, this is usually called 'bullying or harassment'.

Many employers have a policy in place that explains the steps you should take if you experience bullying or harassment at work (because of racism, or any other reason). If so, ask to see a copy of the policy and carefully follow each step in the policy.

You should report the incident immediately to your manager and ask them to act on your behalf to investigate the racism and make the racism stop. They have a legal duty to do so.

Keep a record of any incidents that occur, describing what happened, the dates and times.

If you need help, you can ask your manager, or a trade union representative to assist you. You can also seek free advice from [Acas](#) or [Citizens Advice](#).

Racism at work is prohibited by the Equality Act 2010. If another employee is racist, this should be dealt with by your employer under their disciplinary policy or as set out in their employment contract.

## 7.2 Racism by service users or the public

If you experience or witness racism by a service user or a member of the public towards an employee, this is usually called 'violence or abuse at work'. It is a health and safety matter.

Your organisation should have a policy in place that explains the steps to take if you experience violence or abuse at work by a service user or a member of the public. Ask to see a copy of the policy and carefully follow each step in the policy.

You should report the incident immediately to your manager, and ask them to act on your behalf to investigate the racism and make it stop. They have a legal duty to do so. Keep a record of any incidents that occur (describing what happened, the dates and times).

If you need help, you can ask your manager, or a trade union representative to assist you. You can also seek free advice from [Acas](#) or [Citizens Advice](#).

If the racism is caused by a service user, managers should follow these steps:

- Investigate what has occurred.
- Consider whether the manager should create a risk assessment to identify triggers for the racism, find ways to prevent or limit further occurrences, and ensure workers aren't unknowingly exposed to racism in the future.
- Consider all appropriate workplace adjustments. Discuss options such as a temporary change of duties or changing clients if the worker is at risk of further incidents. Any such changes should be offered **but not mandated** and managers should be clear it is to support the worker's safety and wellbeing. It is not a reflection of their professional ability.
- Following investigation, the manager must contact the service user to explain that racism towards workers is unacceptable and will not be tolerated.
- **Annex A** gives information on sanctions that can be applied including formal letters to service users regarding racism towards workers.

### 7.3 Racism by external organisations

If the racism is by an employee from another organisation, a complaint must be submitted to the organisation via its formal complaints procedure (which should be published on their website).

The organisation needs to act to make sure this doesn't happen again. Organisations who have been commissioned or contracted to provide services on behalf of a local authority, or who provide public services, also have a legal duty to eliminate racism under the Equality Act.

If the racism is directed towards a worker, discuss with the worker any immediate changes necessary to protect and support their wellbeing at work and prevent further occurrences.



Confirm to everyone affected that you will raise a complaint with the organisation.

Ask the organisation to investigate what has happened and report to you on action taken.

Always follow up on complaints and ask for feedback about what has been done so you can share this as needed.

If you do not receive a satisfactory response from the organisation within a reasonable period, you should escalate the matter to a senior manager.

## 7.4 Reporting to the police

If you think an employee, worker, service user or a member of the public may have been victim to a crime, you should report this to the police so they can investigate.

# 8. Addressing racism with complex factors

## **Working with people with limited capacity (who do not understand the impact of racism) or where you have a statutory duty to deliver a service**

When deciding how to act when a service user is racist towards workers, **the service manager** should consider whether the service user is likely to be able to:

- really understand the impact of their words or behaviour
- reflect, and make positive changes when they are told about this.

Managers should also consider the ongoing impact on those working with a service user if they are behaving in racist ways.

If a service user is believed to have capacity issues, and does not understand the impact of racism, the manager must:

- Carefully follow all steps in your organisation's policy (if you have one) about how to manage abusive or violence behaviour at work by a service user, and record the incident.
- Offer workers personal support, making it clear the racism has been recognised and understood to be harmful.

- Work together with the people affected and other colleagues / professionals to develop individual risk assessments to protect anyone affected by racism and reduce or prevent reoccurrences.
- Wherever possible, the manager should engage with the service user to explain why the behaviour is unacceptable, the impact it is having and the consequences – following the [guidance in Annex A](#) as closely as possible.
- The manager should consider whether they need to communicate with the service user in particular ways to explain the impact of their behaviour and the action that is being taken. **Note: If a manager does not feel confident to do this, they must ask a more senior manager to support them.**
- If you do not engage with service users about racist behaviour or language, there must be genuine and legitimate reasons for this. This is because racism must never be tolerated or ignored. If there is no consequence to racism, **it will persist and will never be eliminated.**
- Record all actions being taken in the service user's plan, record, or case file.

In developing a plan to address racism, you should work with workers and any other colleagues/professionals working with the service user to:

- Work out common triggers for racism - this could be a particular environment, at a particular time, or when certain activities are happening.
- Consider whether it is possible to change the way the service is delivered to limit the impact of racism on employees.
- Ensure everybody working with the service user consistently reinforces positive behaviours, addresses racism, and explains to the service user their behaviour is harmful.
- Ensure everybody working with the service user is consistent with rules and routines.
- Explain the situation to the service user's family, guardian, or carers - being clear about the harm the racism is causing and plans in place to address this.
- Work with family, guardians, or carers so they can reinforce positive behaviours and consistently address racism.

An organisation may have a legal duty to continue to provide a service to a service user, even if the service user refuses to stop being racist. However, organisations also have a responsibility to keep workers safe from racism. A worker cannot be expected to work with a service user who is racist towards them.

Therefore, managers should also consider whether additional safeguards must be put in place – for example, limiting lone working or preventing or limiting some workers from working directly with a service user.

If the actions taken to address racism at work are not effective, the matter must be escalated to a senior manager, who can seek advice and explore new approaches. Your local Adults Safeguarding Board can signpost you to a guide on working with service users who lack capacity which can be found online (contact them via your local authority's website).

Some vulnerable service users may experience racism, but they may not recognise this or be able to report it. If someone you know is being abused, or you think they are at risk of mistreatment, you can report a safeguarding concern by completing the form found online on your local authorities website.

## **9. Supporting workers affected by racism**

After racism is reported by a worker, schedule regular check-ins to make sure workers are kept informed about what you are doing, and to ask how they are feeling. Use these discussions to check if risk assessments, workplace adjustments or other interventions are working as intended.

**Your employer might provide wellbeing support for workers affected by issues at work. Check with your manager about this and ask for support if you need it.**

Trade union support – workers may want to seek support from their trade union.

Other sources of support:

- [Black Minds Matter UK](#) – A charity that connects individuals with free, culturally relevant mental health support from black therapists
- [Stop Hate UK](#) – Offers independent reporting and support for victims and witnesses of hate crimes
- [Equality Advisory Service](#) – advises and assists individuals on issues relating to equality and human rights
- [True Vision](#) – Signposts to local support services for victims of hate crime
- [Mind - Racism and mental health](#) – Offers advice on what to do if racism is impacting mental health.

## 10. What to do if you take action to stop racism, but it persists

If you put actions in place to address racism at work, but there is no visible result, workers will rightly feel there is 'no point' in reporting racism. This contributes to a culture where racism is not challenged and is then more likely to occur.

If the actions you take to address racism at work are not effective, you must escalate the matter to your senior management team who will seek advice to explore new approaches. Racism must never be tolerated or allowed to persist.

## 11. Missteps and unintended harm

Sometimes people can or do say something at work which causes harm, without intending to - for example, expressing a stereotype without understanding it, or using outdated terminology.

Mistakes, or missteps may occur as part of your journey towards race equality. Sometimes this is because people are inexperienced in working within diverse teams. Genuine misunderstandings may also occur when people from different backgrounds come together. This is because people's culture influences the way they express themselves and their professional practice.

Situations like this do happen but mistakes **must never be an excuse for racism**. Racism is **unlawful** and is not to be tolerated. Any racist incident reported must be taken seriously, investigated, and acted upon as outlined in this guidance.

The important thing is we learn from our mistakes. This means accepting when you have made an error; committing to self-development so the error is not repeated; apologising to those affected; and crucially, taking practical action to repair any harm that has occurred.

If someone is found to have made a genuine mistake at work, their manager must think carefully about how to prevent this from happening again. If missteps frequently occur in a team, it could be a sign that the root cause is not being addressed and team members require training to support their knowledge and development.

As a manager, it is your responsibility to build a team culture where colleagues communicate and work respectfully with each other. This means helping the team to understand that missteps and misunderstandings may happen, and that if they do, we must be open and accountable, and commit to learning as individuals and as a team to ensure these are not repeated.

## **12. Making your team feel safe to report racism**

As a manager, it is your responsibility to ensure your team(s) feel safe to report racism to you, and confident that incidents will be recorded, investigated, and acted upon **by you** following the correct policy. All workers must feel they will be taken seriously, kept safe and supported.

Be open in meetings and encourage anyone who witnesses or experiences racism to speak to you about what has happened. Be proactive and don't wait for racism to be reported.

You can set the tone by agreeing shared goals, for example – promoting race equality and respect and dignity for all, using inclusive language, embracing diverse perspectives and ideas, and learning without judgement. This helps everyone feel valued, respected, and understood.

## **13. Who to contact if you want to understand best practice ways to address racism at work**

We recognise it can sometimes feel difficult to talk about racism.

If you are dealing with a practice issue at work relating to racism and want to understand what best practice in the sector looks like, you can book a private 1-2-1 session with an experienced professional.

These professionals cannot offer you legal advice, but they offer a supportive space in which you can discuss your practice issue and learn more about what best practice in the sector looks like. This information may help you to decide what is the right course of action for your organisation.

For more information please contact [equalities@norfolk.gov.uk](mailto:equalities@norfolk.gov.uk).

## **14. More information about eliminating racism at work**

An e-learning module “**Anti-racism in practice – eliminating racism at work**” has been published to explain what racism is; and the practical steps workers and managers can take to keep everyone safe from the harm of racism. Read more on our guidance for [ensuring the safety of staff](#).

# Annex A

## Guidance on sanctions

### 1. Preparation

Ensure that cultural and disability issues are considered when addressing an incident.

This means carefully considering all the relevant factors to take into account prior to initiating contact, to ensure that communications can be understood and that reasonable adjustments are made where appropriate.

This is particularly important if you are engaging with someone with limited capacity (who does not understand the impact of their behaviour). In a situation like this, carefully follow all the guidelines set out earlier in this document.

In the case of mental health, any proposed action which may or may not include legal action may need to be made in conjunction with a clinical opinion. Your head of service in consultation with your legal advisor will determine the appropriate course of action to follow, in line with your organisational policies.

### 2. Verbal warnings

Verbal warnings are a method of addressing unacceptable behaviour with a view to prevention.

The aim of the verbal warning process is to:

- Ascertain the reason for the behaviour as a means of preventing further incidents or reducing the risk of it reoccurring; and
- Ensure that the person is aware of the consequences of further unacceptable behaviour.

Where it is appropriate to discuss behaviour with the person involved, this should be done informally, privately and at a time when all parties involved are composed.

Ensure that cultural and disability issues are considered when addressing an incident. In the case of mental health, any action which may or may not include legal action should be made in conjunction with clinical opinion.

The manager should establish who should carry this out safely.

A formal recording should be made.

### **3. Acknowledgement of Responsibilities Agreement (ARA)**

An ARA is a written agreement between parties to address and prevent a recurrence. If you issue a verbal warning, it is recommended that you consider agreeing an ARA, so that all parties are clear about expected behaviours going forward.

This can be used as an early intervention process to stop unacceptable behaviour escalating.

For anyone under the age of 16, other than in exceptional circumstances, an ARA with the child's parent(s) or guardian(s) may be appropriate.

Where a person does not comply with the terms outlined in the ARA, consideration can be given to alternative procedural, civil or criminal action.

The relevant Head of Service of an organisation, in consultation with their legal advisor, should provide guidance, should this be necessary.

### **4. Written warnings**

If a person is responsible for intimidating behaviour etc. it may be appropriate for the relevant Head of Service to send a formal warning letter to the individual (and inform the Police).

An example of action which can be taken is to withdraw provision of a face-to-face service and provide support by telephone.

**An example of a template warning letter is provided below:**

Dear [name of service user]

I am advised that on (date), my staff member (name) experienced discrimination based on their ethnicity while carrying out the duties of their role. I am writing to inform you that [name of organisation] has a zero-tolerance policy in relation to racism. Your behaviour towards my staff member has been recognised and reported to me as breaching this policy.

Our practice is based on forming positive relationships that support people to thrive at home and in the community. As a service, we will continue to work alongside you to provide any support and care you may require. However, we will not accept attitudes or behaviour of an offensive nature towards our staff. I hope that you will take this as an opportunity to think about how you interact with our staff and how this

might make them feel. I would also encourage you to think about your views on race and challenge any assumptions you have made based on this.

I trust that any member of my staff will not experience behaviour like this again.

Please be aware that this kind of behaviour may well constitute a crime and if repeated will be reported to the police in our joint aim to tackle racism and discrimination in [name of your local area]. Further information can be found at [include link to your police website about hate crime]

Kind regards, etc.

## **5. Final warning letter**

The final warning letter usually follows where the ARA has failed to deter behaviour.

This letter outlines that if the behaviour continues then it may be necessary to report the matter to the police with a view to the care provider supporting a criminal prosecution or obtaining a civil injunction.

A final written warning will be issued to the person by the Head of Service.

Under no circumstances should it be implied to a person that the service will be withheld at this point.

The withholding of a service should always be seen as a last resort and only ever following legal advice.

## **6. Withholding services/final alternative provision**

Some services are required to be statutorily provided and withholding the service may result in significant risk to the service user.

In these cases, a final alternative provision must be sought, for example work with the Police to establish a means of working only where there is Police support/presence.

This option may be pursued where the final warning letter has failed to deter the behaviour of an individual, or where the nature of the behaviour is so serious that legal advice has been sought.

The organisation's senior management team will have the final say and sign any letters to this effect.