



**Guidance for staff who
experience discrimination
from people who use or
access services in their role
working for Surrey County
Council**



SURREY
COUNTY COUNCIL

Guidance for staff who experience discrimination from people who use or access services in their role working for Surrey County Council

Scope

Staff employed by Surrey County Council (SCC), who experience any form of discrimination from people who use or access services, their carers, family members or others in their network while undertaking their duties. This guidance note supplements our organisational policies (listed below) and provides further details for managers and staff about:

- How the organisation supports them.
- What steps can be taken if this does occur.
- How to report it.

We encourage commissioners to work with organisations who deliver services on our behalf to explore and adopt the spirit of this guidance note themselves.

Leadership Statement of Intent

The Council has statutory duties to support and safeguard adults, children and families. Our staff frequently work with people in difficult circumstances and with behaviours we may find challenging. We work with people in a range of settings, which often includes their home. Staff have told us that they sometimes experience discrimination from people who use and access services, their carers, family members or others in their network, while undertaking their duties.

The Council has a zero-tolerance policy towards all forms of unacceptable behaviour, and we will not tolerate any form of discrimination towards staff. We must always balance our statutory duties, as outlined under the Care Act 2014, Mental Health Act 1983, Children's Act 1989, Children and Families Act 2014 (SEN Code of Practice in particular) and Children and Social Work Act 2017, alongside our duties to the protection and wellbeing of staff. We will work with individuals to keep them safe, manage behaviours, improve relationships, and resolve problems in a fair and supportive way, by:

- Reducing risk by taking immediate action to manage the impact of discrimination where it occurs.
- Removing our staff from unsafe or threatening situations.
- Restoring relationships through conversation, giving the individual the opportunity to reflect upon and change their language, behaviour or attitude.

Staff Wellbeing

We recognise the significant impact that discrimination can have for our staff. We have a comprehensive [Employee Assistance Programme](#) available for our staff should they feel they need more support, including free and confidential advice or a referral for counselling. [Mental Health First Aiders](#) are also available to provide support to staff in crisis and to signpost to other sources of support. Throughout this process line managers should talk with and update the member of staff, so they feel supported and understand that action is being taken.

Context

The Equality Act 2010 seeks to ensure people of all ages are not discriminated against because of protected characteristics – age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. SCC also includes carers as being protected by association. We also recognise that discrimination can be based on other reasons such as accent, physical appearance etc.

General duties placed upon all public bodies under the Equality Act 2010 require SCC to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

This guidance supplements the following SCC policies that cover:

- The Council's Customer Promise and Zero Tolerance Policy (currently being refreshed).
- Minimising risks to health and safety from violence, including aggressive behaviour not causing actual physical harm – [Aggression and violence policy](#) taken from our Health and Safety Manual
- [Preventing and reporting abuse, violence and threats](#)
- Identifying and [managing unreasonable customer behaviour](#)
- Staff experiencing any form of discrimination from colleagues, please refer to the [SCC policy for grievance resolution](#)

Principles

1. Surrey County Council **recognise the impact** any form of discrimination can have on members of staff and how distressing and isolating it can feel. **It must not be trivialised, and staff are not expected to 'put up with it'**.
2. Surrey County Council has a duty to safeguard and provide care and support to people with eligible needs. The Council also has a duty of care to all members of staff. When a member of staff encounters discrimination whilst delivering services, we must **balance these duties** by continuing to meet need but may have to do so in a different way.
3. We understand that some people **may not have the capacity** to understand the discriminatory nature of their language, behaviour or attitude, or the impact it has upon a member of staff. For example, people with a cognitive impairment, dementia, a mental health problem, a learning disability or autism, or grasp of language-related to age/development. Whilst lack of capacity and understanding needs to be considered, it does not excuse the need to address the discrimination. Managers and staff should use their discretion and professional judgement in each situation.
4. The **member of staff should be involved** in discussing the steps to be taken to address the situation and achieve a positive outcome wherever possible.

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5. We recognise our staff are experts in having difficult conversations with the people we support based on their professional development and experiences. However, it is recognised that not everyone will always feel confident to do this. Managers and staff should be able to access training to equip them with the **tools and confidence to have difficult conversations**, about a range of different issues.
6. Surrey County Council will take a **restorative approach** when staff encounter discrimination to try to create and maintain a respectful and trusting relationship between the individual, our staff member and wider workforce. This may include supporting the education of individuals around discrimination.

Steps to take when staff experience discrimination

These steps can be triggered by any language, behaviour or attitude that a member of staff feels is discriminatory. Staff members will respond in different ways and managers must respect that **if a member of staff feels discriminated against, that is enough for this process to start**. Managers should start from the position of taking the member of staff's feelings in good faith.

This process recommends immediate actions, followed by options of how you could respond. Managers should use their discretion, professional judgement, and in conversation with the staff member and senior manager, decide on the most appropriate response. This will depend on the circumstances and severity of the discrimination as we recognise every situation is different.

Step 1 – Immediate Action

Immediately after the incident the **member of staff** should:

- 1 **Ensure their safety** by taking appropriate action, which could include removing themselves from the situation or using an alarm, or a code word.
- 2 If the member of staff feels able, and safe to do so, they should **explain that the language, behaviour or attitude is not acceptable**, how it makes them feel and that if it continues then they will have to leave/end the conversation/meeting/visit.
- 3 **Report the incident** to their line manager as soon as possible and record on the Council's on-line incident and accident reporting system [OSHENS](#), under the category of 'abuse/threat/violence' or 'injury' as appropriate.
- 4 **Consider accessing support**, formally through the Employee Assistance Programme or more informally through their network of support, which could include being a union member and/or accessing a staff employee reference group.

Step 2 – Action taken by line manager

As soon as possible, and ideally within the next 24 hours, the **line manager** should:

- 1 **Talk with the member of staff** to understand what happened, the impact it has had on them, how they would like the situation to be addressed and any support they may need. The member of staff may wish to be supported in this conversation by a colleague or buddy.

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- 2 **Explore and agree and approach** for responding to the situation with a senior manager – **consider moving the member of staff from the environment and supporting a change in worker.** Each situation will need to be considered based on the individual circumstances and how the member of staff feels – there may be a different response for different members of staff.
- 3 **Review and update the risk assessment** to ensure all relevant staff, including when there is a change in worker, are briefed on what happened and how they can take appropriate steps.
- 4 Review and **update the incident on [OSHENS](#)**, the Council’s on-line incident and accident reporting system. For further information review the guidance on [incident reporting and recording](#).

Step 3 – Options for response

If the language, behaviour or attitude continues then the following options could be considered:

- **Move the member of staff from the environment/case and change the worker.** We will respect the view of any member of staff who does not feel able, or safe, to continue working with an individual who has discriminated against them.
- The member of staff, and/or their line manager **to have a conversation with the individual**, their carer, family members or advocate as appropriate. They should explain that the language, behaviour or attitude is not acceptable and how it has made the member of staff feel. Explore what we can do differently together so we can continue to support their needs. For example “If you continue with this language, behaviour or attitude, then we can’t provide a service to you in this way”. “We are worried about the impact this is having on the children/family, and/or will need to take steps to ensure our staff are treated with respect”.

This may be part of a restorative approach and should be done with dignity to give the individual the opportunity to reflect upon and change their behaviour/language/attitude. This conversation should be recorded on our case management system as a case note.

- A senior manager (such as, Senior Manager/Service Manager/Area or Assistant Director) to meet and have a conversation with the individual, their carer, family members or advocate as appropriate, to **explain how we will be supporting and/or safeguarding them in a different way moving forward**. For example, in Adult Social Care this could mean using a direct payment so they can take responsibility for organising their own care/employ a personal assistant, changing their provider, changing their worker etc.
- **Confirm a conversation with the individual in writing** [template Annex A]. Outline the next steps if the language, behaviour, or attitude continues/happens again. This should be recorded on our case management system, saved in wisdom and case noted.
- Consider if an **acceptable behaviour agreement** with the individual, their carer, family members or advocate would be helpful [template Annex B]. This will be linked

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to the Council's 'respect' value and the Council's Customer Promise and will set out an agreement for future behaviour. This should be recorded on our case management system, saved in wisdom and case noted.

- A senior manager could **seek advice from Legal Services** about what can be done differently to support the individual/family, if appropriate.
- A senior manager or the member of staff experiencing the discrimination could **escalate the matter to the police**. The police have a duty to investigate cases and the courts are now more robust in their response to assaults on emergency and key workers whilst carrying out their public duties.

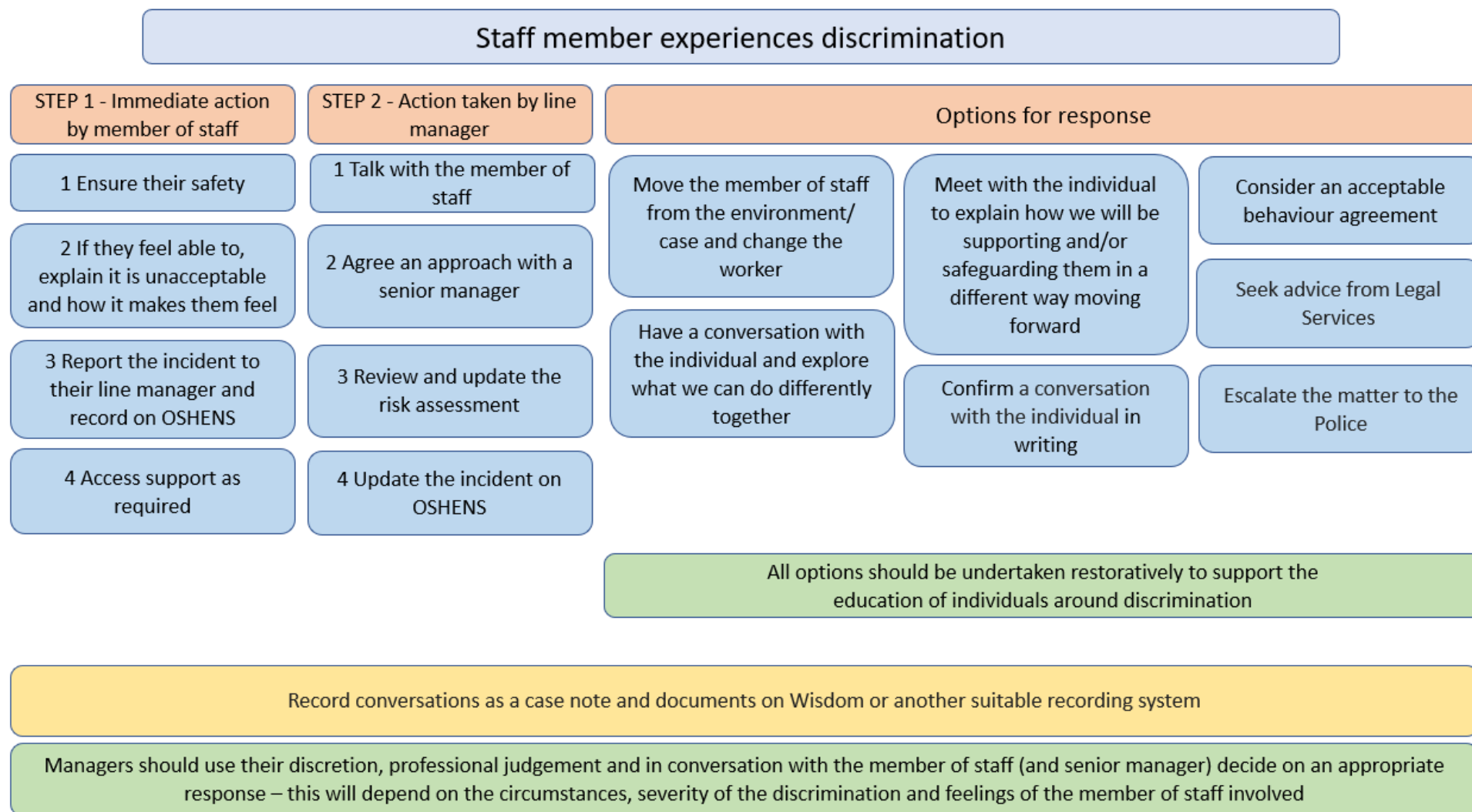
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Flowchart of steps to take when staff experience discrimination





Annex A – Letter

[Please copy and paste this letter into a Word document before editing]

Address of service

[date]

Private and Confidential

[Address line 1]

[Address line 2]

[Address line 3]

[Address line 4]

Dear [insert person's name]

Acceptable Behaviour

I am [insert your name] and I am the [insert role and team] for Surrey County Council. One of my roles is to protect staff from discriminatory language, behaviour and attitudes and it is in connection with this that I am writing to you.

The Council has a zero-tolerance policy towards all forms of unacceptable behaviour, and we will not tolerate any form of discrimination towards staff.

As we discussed on [insert date] it is alleged that a member of staff experienced discrimination on [insert date(s)] when [brief description of discriminatory language, behaviour or attitude]. The member of staff has explained that this has made them feel [insert details of impact of behaviour].

As you are aware [insert details of any previous action taken, if appropriate].

Just as Surrey County Council has a responsibility to you, so you have a responsibility to treat our staff with respect. When we spoke, we agreed that in future:

You will ...

You will ...

You will not ...

You will not ...

[Enclosed are two copies of an Acceptable Behaviour Agreement. I would be grateful if you could sign both of these and return one in the envelope provided/ via e-mail/as appropriate within 10 working days. A copy of this Acceptable Behaviour Agreement will be placed on your record in our case management system.]

If you decide not to abide by this, or there are any further incidents of discriminatory language, behaviour or attitude, we may have to consider further action. This may include:

- [Providing social care services at a different location.
- Arranging a different social care provider.
- Providing a direct payment so you can take responsibility for organising your own care/employing a personal assistant.
- Reporting to the Police where your behaviour constitutes a criminal offence and fully supporting any prosecution they may pursue.]

If you do not agree with what has been set out in this letter, please contact me for a further discussion.

Yours sincerely ...

Annex B – Acceptable Behaviour Agreement

[Please copy and paste this agreement into a Word document before editing]

[Ensure this agreement is on a separate sheet of paper to the accompanying letter]

Acceptable Behaviour Agreement

This agreement is between:

Surrey County Council

and

[Insert name and date of birth or other unique identifying details]

I agree to the following in respect of my future behaviour – [insert appropriate agreements]

I will ...

I will ...

I will not ...

I will not ...

Declaration

I [insert name], confirm that I have read and understood the attached letter and this agreement, and that I accept the conditions set out above and agree to abide by them.

Signed:

Dated:

On behalf of Surrey County Council

Signed:

Name and Role:

Dated: