

Zero Tolerance of Racist Abuse in Adult Social Care Settings in Camden.

Guidance for Managers: Responding to persistent racist abuse of adult social care staff

1. Introduction

Camden Council has a zero-tolerance approach to racism and any form of prejudicial behaviour whether the abuse is in person, in writing, virtual or over the phone. This guidance forms part of a suite of documents and guidance that aims to support the elimination of abusive and prejudicial behaviour in the workplace.

To see these documents please go to the Equality/Zero Tolerance section in the Adult Social Care Practice Guide.

It is essential that all Camden employees and Care providers commissioned by Camden understand that they have a responsibility to address and challenge racist and prejudicial behaviour within their work environment.

The process described below is compatible with the Human Rights Act and the Care Act. When following this process managers will not normally need to seek legal advice.

2. When to use this process

The guidance below outlines a process that managers should follow when informal approaches with an abusive individual to preventing the racist abuse of care and support staff have not worked.

Managers should consider and seek advice as to whether it is appropriate to follow this process if they are also following another process that takes priority such as:

- A safeguarding investigation (seek advice from the Safeguarding Team)
- A criminal investigation (seek advice from the Police)
- A disciplinary or grievance process (seek advice from HR)

In such circumstances it may be appropriate to pause this process and then consider whether to restart this process, either when the priority process is complete or when it has reached an appropriate stage that would allow this process to continue.

This process is intended for use by Adult Social Care Teams from Camden Council working alongside both in house and external provider managers. It can also be used by Community Mental Health Teams from Camden and Islington Foundation Trust.

3. Timescales

As an organisation Camden Council is committed to meeting the legitimate expectation of staff that we will respond in a timely, visible and credible way to their reports of racist abuse and prejudicial behaviour.

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Although this guidance does not contain explicit timeframes for each stage, it is vital that managers maintain a clear and proactive oversight of the process, and do not allow any unnecessary delay to weaken the credibility of the process or of the Council.

Indicative timescales are detailed below.

4. Participation in the process

The failure to engage in the process by any party must not be allowed to cause unnecessary delay. If people decline to participate, they should be informed that the process will continue without them if necessary and that they will be informed of the outcome.

5. Informal Resolution

As per the separate guidance document, [‘Reporting Abuse. Guidance for Staff and Frontline Managers’](#), we expect most incidents of racist abuse or other prejudicial behaviour to be resolved through informal action. That document explains how to report incidents and how managers should respond to such reports.

The Informal stage may be completed by the provider, the SW Team or both in tandem. Action taken may include:

- A verbal warning from either the provider or Social Work Team Manager, restating of Camden’s commitment to Zero Tolerance of abusive behaviour
- Recording a ‘verbal warning re racist abuse of staff’ as a MOSAIC warning flag (Council based staff) or an ‘alert’ on Care Notes (Camden and Islington based staff)
- Social Care team to check with partners re concerns from elsewhere (e.g. housing) to see if the behaviour may be part of a pattern of abusive behaviour.

6. Issues of Capacity

The process outlined below gives guidance on how to respond when

- the racist abuse continues despite informal action and
- The abuser has the capacity to understand:
 - the consequences of their behaviour
 - that their behaviour may be unlawful and subject to civil or criminal action

If the abuser does not have capacity to understand:

- the consequences of their behaviour
- that their behaviour may be unlawful and subject to civil or criminal action,

any action to manage the behaviour and risk to the staff who are being abused needs to be managed through a joint risk management meeting and a ‘best interest’ process that is compatible with the Mental Capacity Act. Depending on the individual circumstances the joint risk management meeting may or may not decide to follow a similar process to that outlined below.

7. Persistent and ongoing abuse

Where attempts to resolve issues informally are not successful and abusive behaviour continues, the provider service who employs the member of staff who has been subject to racist abuse should inform

- The relevant commissioning manager from the Council’s integrated commissioning team

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- The Duty Team from the purchasing Social Work or Care Coordination Team of the
 - details of the ongoing allegations
 - whether the incident or incidents have been
 - reported to the Police
 - referred as a safeguarding incident
 - outcome of any investigation when that is complete

The Provider manager, the commissioner, the Social Work or Care coordination team and the Police or Safeguarding team should then work together to agree the appropriate shared response to the incident and whether to progress to a formal stage as below.

The response should be proportionate to:

- the severity of the incident (Police or safeguarding responses will take priority)
- any previous allegations of racist behaviour from the alleged abuser that are known to any of the partners
- the capacity of the alleged abuser to understand the consequences of their behaviour

Appropriate shared responses from all partner organisations should be person centred and based on the individual and relevant circumstances.

Stage 1 (target timescale 2 weeks)

The provider manager and social work team manager/lead practitioner should coordinate a joint meeting with the person who is being abusive, their circle of support and any other relevant stakeholders in order to ensure that clear standards of acceptable behaviour are made clear to all.

The written invitation to the meeting should state the details of the concerns of raised so that the person understands the purpose of the meeting, who else will be at the meeting and how long the meeting will be expected to last (see letter template in [appendix 1](#))

If appropriate support from an advocate should be arranged.

This multi-disciplinary or multi-agency meeting with the individual and/or their circle of support to discuss the consequences of the racist abuse should:

- clarify the acceptable standards of behaviour
- explain the potential consequences of not following these standards
- be followed by a letter to the person that contains
 - a clear record of agreed actions,
 - describes the required standards of behaviour
 - describes the potential consequences if these standards of behaviour are not met
- The MOSAIC warning flag should be updated to 'Written Warning re racist abuse of support staff' status (Council staff) or Care Notes Alert (Camden and Islington staff)

A template written warning letter is attached at [appendix 2](#)

Stage 2 (target timescale 2 weeks)

Where a first written warning does not result in the required change in behaviour, a second meeting followed by a written warning will be required. Written invitations to the meeting should comply with the standards outlined in stage 1 above.

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In addition to the steps at stage 1, the person should be required to sign or resign an agreement of reasonable behaviour (see [appendix 3](#)).

This second written warning should also remind the person that in cases of future abuse

- the social care staff may leave immediately if they are abused
- the Provider may withdraw their service to the person without notice
- the Council would need to inform future providers about their history of abuse and may not be able to find another provider willing to provide the support needed

Stage 3 (target timescale 4 weeks)

In cases of severe and/or repeated incidents of racist abuse, where after completing stages 1 and 2 and either:

- All reasonable efforts to mitigate the behaviour have failed
- The harm caused by the racist behaviour is severe and ongoing
- The risk of further abuse and of harm (mental, emotional or physical) is significant or ongoing

the appropriate Head of Service can be requested to approve the withdrawal of support by any commissioned provider. This withdrawal of support should be for an agreed period of time only, after which the decision should be reviewed. A meeting is not required at stage 3 but the decision must be communicated in writing to person and their representatives and this letter must inform the person what steps they need to take for the Council to be able to consider reinstating their care and support.

During the period of withdrawal, the Council may then decide either:

- to meet the Council's duty of care via an offer of a Direct Payment, potentially in the form of a 'managed account'.
- to inform the person that they will need to make their own care and support arrangements during this withdrawal period

In most circumstances specific legal advice will not usually be required at stage 3, but it may be appropriate for the Head of Service to seek legal advice if there are particularly complex or unusual circumstances.

If care and support is to be provided via a Direct Payment, the Council will require PSIC (or any future managed account provider) to disclose the history of abusive behaviour to any potential PAs in order to protect the PAs from harm (see [Duty of Candour](#)).

Review stage

After the agreed period of withdrawal of care, the decision would need to be reviewed as per stage 3 above.

A flowchart providing a summary of the process is included at [appendix 4](#).

8. Duty of Candour: Record of Previous Abuse

The Council has a duty of candour to its contracted providers. This means that the Council where a person is known to present an ongoing risk of abusive behaviour, the Council must inform any future potential care and support provider of the details of that risk.

In order to comply with this duty, all new referrals to a provider for support and all future Care and Support Plans issued by the Council for a person that has been managed by the process above

because of a pattern of abusive behaviours towards adult social care staff, personal assistants (PAs) or care providers, should

- detail the previous pattern of abusive behaviour
- details actions taken to resolve this behaviour, including which of the above stages was reached
- detail actions to be taken in the case of future abusive behaviour (i.e. which stage of the above process would be invoked in the case of repeated abuse)

9. Monitoring and Learning

Any decision to withdraw support on the basis of continuing and persistent abuse should be reported to the Principal Social Worker for Adults.

The Principal Social Worker will monitor such decisions and ensure any lessons learned are used to develop and inform practice guidance.

10. Appendix 1: Meeting Invitation letter template

[View the **Meeting Invitation Letter Template** here](#)

11. Appendix 2: Written Warning letter template

[View the **Written Warning letter template** here](#)

12. Appendix 3: Agreement of reasonable behaviour

[View the exemplar **Agreement of reasonable behaviour** here](#)

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13. Appendix 4: Process chart: responding to persistent racist abuse of adult social care staff

