

## Equality and Diversity Council Meeting Paper

26 July 2016

### **Paper on the ‘Responses to Brexit and the impact on European Union and Black and Minority Ethnic staff in the health and social care sector’**

#### **1. Introduction**

The purpose of this paper is to outline the current workforce issues facing the health and social care sector following the recent decision by the UK to leave the European Union (EU). The report includes recommendations on how the system needs to respond to these issues in order to minimise the impact on European Union (EU) and Black and Minority Ethnic (BME) staff in particular.

#### **2. Setting the context and current situation**

Since the decision on 23 June 2016 of the UK to leave the EU, there has been a significant rise in incidents of racism and hate crime reported in the UK. In July 2016, the Equality and Human Rights Commission (EHRC) published [Race rights in the UK. Submission to the UN Committee on the Elimination of Racial Discrimination](#). The report calls for a full-scale review of Britain’s hate crime laws and strategies. The Commission makes a series of recommendations to the UK government to tackle hate crime and lead a national effort to defeat those who seek to legitimise and spread hate.

Since the EU referendum, police have reported a 57% increase in online hate crime reports in England, Wales and Northern Ireland. In London alone new figures from the Metropolitan Police Service show 599 incidents of race hate crime were reported to Scotland Yard between 24 June – the day the result was announced – and 2 July 2016. Police Scotland has not recorded a corresponding rise in hate crimes in Scotland, though it acknowledges that often these incidents of hate crime go unreported.

The report calls on the UK government to:

- Carry out a full-scale review of the operation and effectiveness of the sentencing for hate crimes in England and Wales, including the ability to increase sentencing for crimes motivated by hate.
- Provide stronger evidence to prove their hate crime strategies are working.
- Work with criminal justice agencies to understand what drives perpetrators to commit hate crime and to use that evidence to develop new preventative measures.

The Chair of the EHRC, David Isaac, has also written to employers offering practical advice on how they can ease racial tensions in the workplace.

[Read the letter from Chair David Isaac to employers \(PDF\)](#)

Within the health and social care sector, there has been significant anecdotal evidence over the past three weeks of a marked impact on EU and BME staff. This ranges from individual abuse and attacks (both physical and virtual) to the daubing of NHS property with offensive graffiti.

The [response](#) from the sector has – to date – been robust and unequivocal – with clear and high profile messages from senior leaders (at both a national and local level) offering support and solidarity with any staff who suffer any form of discrimination. This has been backed up with a national campaign initiated by NHS Employers on Twitter under the hashtag #LoveOurEUStaff.

Some trusts have even already put their own processes and systems in place in response to the situation. Attached Annex 1 and 2 are examples from University Hospital Southampton NHS Foundation Trust of a policy and associated flow chart which guides managers on how to deal with incidents.

### 3. What are you proposing to EDC?

The proposal to the EDC is that they should now take a lead on this issue and offer a co-ordinated response to try and address some of the current and potential future implications of the decision to leave the EU. In this respect, we are asking the EDC to consider the issue from two perspectives: firstly, in terms of people from the EU who are currently freely able to work here (many of whom are not from a BME background), but who may not be able to do so in the future; and, secondly, from the perspective of the wider BME community working in the health and social care sector who are impacted by the increase in race and hate crime that the situation has caused.

### 4. What actions would you like to see from EDC?

This paper is proposing the following actions:

- That NHS Employers are asked to approach the relevant government departments to express the specific issues facing the health and social care – and the potential long term implications for the workforce – of the decision to leave the EU. This approach should be made with a view to finding long term solutions and support from those relevant government departments to help with the ongoing recruitment and retention issues facing many health and social care organisations. It should also stress the need for the Brexit negotiations to take into account the interests of the NHS and for any negotiated migration policy to be reviewed with the needs of “safe staffing” for the health and social care sector in mind.
- That an appropriate national body is tasked with establishing and monitoring the specific levels of EU and BME staff employed across the sector – and the levels of reported race related harassment or crimes. This work should stress the importance of partnership working between employers, trades unions and other public services (e.g. police) on a subject like this.

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- That there is an ongoing, co-ordinated campaign across the health and social care sector (led by the EDC) to support EU and BME staff. This campaign should be underpinned by a generic charter (built upon the values of the NHS Constitution) which focusses on acceptable and unacceptable behaviours and which utilises social media as the main medium of communication.
- That NHS Employers are asked to identify, support and develop good and best practice at a local and regional level – specifically around areas such as data collection, police reporting, joint working with other agencies and staff support networks.

### **5. What are the recommendations?**

The EDC are recommended to support the actions outlined above.

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on behalf of the EDC

26<sup>th</sup> July 2016

**Annex 1****Violence, Aggression or Hate Crimes Against UHS Staff**

UHS does not tolerate violence, aggression or hate crimes towards any member of our staff.

Staff within the Trust are not expected to suffer such acts within their work place and it is not acceptable for staff to feel it is part of their job to accept any form of violence, aggression or hate crime such as homophobic, gender, racial, religion, or disability related threats or acts of abusive or alarming behaviour.

All incidents of this nature against a member of UHS staff will be taken very seriously and action against the perpetrator will be taken up to and including prosecution where required.

We are currently in the process of strengthening our policies and procedures for dealing with this type of incident and staff and managers should be aware of the following new process:

**If you are the victim of violence, aggression or any form of hate crime you must:**

- Report the incident to your line manager or other appropriate manager **immediately**
- Log the incident on the Trust electronic incident reporting system (This will automatically alert the Trust Head of Security)

**If you are the manager of the victim or the manager that the incident is being reported to, you have a duty to:**

- Take immediate action by reporting the incident to the police on 101 and tell the victim that you are doing this. (It is not the responsibility of the victim to report the incident to the police, this responsibility lies with the manager and the Trust – all incidents should be reported to the police whatever the level of assault / threat or discriminatory incident and regardless of who the perpetrator is).
- Support your member of staff by sitting down with them **on the day of the incident** to discuss the incident and debrief them.
- Ensure your member of staff is aware of all the internal and external support that is available to them and how to contact appropriate support e.g. The Employee Assistance Programme, Staff Support Advisors, Spiritual Care Team, Occupational Health Team, Staff support networks.
- Send a courtesy email to the Hospital Police Liaison Officer WPC Jodie Bosworth 3406 at [jodie.bosworth@hampshire.pnn.police.uk](mailto:jodie.bosworth@hampshire.pnn.police.uk)
- Work with your member of staff to secure the best evidence for the police i.e. provide the police with a copy of the incident report, any witness statements,

CCTV footage, details of any other patients who may have been involved or witnessed the incident.

- Arrange a follow up meeting in a reasonable time frame with your member of staff to provide ongoing support.
- Provide ongoing support to your member of staff during the investigation and facilitate any meetings with the police as required. Ensure your member of staff feels that they are fully supported and that they have the backing of the Trust and the police to pursue their case should they wish to do so.

**The police will:**

- Establish the facts and will investigate the incident thoroughly.
- Carry out the necessary checks on the perpetrator. If the staff member feels that no action should be taken then the police will fully support them in this decision but may ask the victim to provide justification for their decision so they can establish whether this would be proportionate.
- Signpost the victim to the Police Victim Code and undertake a needs assessment on behalf of the victim.
- Keep the victim updated with any investigation and any outcome / decision.

Annex 2

**Violence, Aggression or Hate Crimes Against UHS Staff**

