



Leeds
CITY COUNCIL

scrutiny



**Strategy and
Resources**

Scrutiny Board 2021/22

Statement:

Zero-Tolerance Approach to Racism



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Strategy and Resources Scrutiny Board

Scrutiny Board Membership (2021/22):

S Burke	- Middleton Park;
P Carlill	- Calverley and Farsley;
D Chapman	- Rothwell;
S Firth	- Harewood;
B Flynn	- Adel and Wharfedale;
S Hamilton	- Moortown;
J Heselwood	- Bramley and Stanningley;
A Hutchison	- Morley North;
J McKenna	- Armley;
A Scopes (Chair)	- Beeston and Holbeck;
S Seary	- Pudsey;

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Focusing on the council's central strategic and regulatory functions, including financial services, human resources, digital and information services, elections, registrars, licensing, local land charges and council tax processing. The Board will also oversee cultural related activities to deliver the city's cultural ambitions.

Queries in relation to the Strategy & Resources Scrutiny Board can be directed to the Principal Scrutiny Officer:

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 0113 37 88642

Further information about the work of the committee can be found here:

[Strategy & Resources Scrutiny Board](#)

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A Purpose

The statement below summarises the conclusions and recommendations of the 2021/22 Strategy and Resources Scrutiny Board following consideration of evidence originally presented to board members in January 2022.

The webcast of the meeting, which took place on 24 January 2022, can be found here (with the Staff Inclusion Update beginning around 10 minutes into the recording): [Strategy and Resources Scrutiny Board \(24 January 2022\)](#)

B Next Steps

Once formally agreed by the Scrutiny Board the statement will be provided to the Executive Member to inform on-going development of guidance and practice in this area.

The Scrutiny Board appreciates that the issues considered by the Board are very much 'live' topics and subject to ongoing consideration and review. The Board therefore also recognises that its final qualitative position may differ from the conclusions set out below, depending on the evidence received during the current review including consideration of practical implementation.

The 2021/22 Scrutiny Board membership recommended that further consideration of these matters should take place during the 2022/23 municipal year by both the Executive and the Scrutiny Board. This has been reflected in the draft 2022/23 work programme, which is included at Appendix 1 within the Work Schedule item on the Scrutiny Board's 20 June 2022 meeting agenda.

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1. The Council is working on a review of grievance practice on a cross-council basis. One of the key elements of that is to re-establish trust in the grievance process amongst staff and to clarify the difference between grievance and disciplinary/misconduct proceedings. This has been emphasised by the recent communication by the Council Leader and Chief Executive in which a zero-tolerance approach to racism was set out including the following statement: 'Take a zero-tolerance approach to racism in the workplace and out within the communities we serve, taking all allegations of racism seriously'. This statement was contained in the Chief Executive's weekly email to all staff dated 25 March 2022 and in a document attached to that email entitled: "Leeds City Council statement to staff about Equality, Diversion and Inclusion".
 2. However, comments made by representatives of the staff networks at the Scrutiny Board meeting on 24 January 2022, most notably on behalf of the BAME network, reflected a desire to see stronger action taken in relation to racist incidents and behaviour. It was put to the Board that such incidents should be dealt with under a separate zero-tolerance policy that would signpost racism directly to disciplinary proceedings as opposed using a grievance-policy approach. A significant element of this is the desire for a distinction to be made between day-to-day grievance issues, and racist behaviours, some of which are covered within the provisions of the Equality Act 2010 and are unlawful.



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3. The Scrutiny Board (Strategy and Resources) is fully supportive of the zero-tolerance approach and the establishment of practice and guidance to support that approach. However, the Board was concerned that in supporting the development and establishment of a zero-tolerance approach to racism, and zero tolerance to any discrimination based on protected characteristics, this could hinder staff at tribunal if a particular process had not been followed or completed when any tribunal claims were made. Reassurance has been sought and received on the legal process in relation to these matters. Tribunal involvement would not be prevented in this way and any claim of discrimination linked to protected characteristics or more broadly could be heard by a tribunal irrespective of the nature and relevant stage of the internal process, subject to other factors such as statutory time limits for claims.
4. The most important element of this approach would be to ensure that within council policies alleged racist incidents are dealt with via a disciplinary route as opposed to requiring the complainant to raise a grievance, with this is applied council-wide and fully established as 'Council Policy' for reports of alleged racism. Indeed, a key feature of a zero-tolerance approach may be to ensure that alleged racist incidents are dealt with via misconduct channels and not through a grievance, depending on the nature of the allegation.
5. Within this there would also be a need to ensure that staff are educated and trained to understand and recognise unconscious bias and understand how their behaviours could lead to BAME colleagues feeling discriminated against on the grounds of race. Where training is offered, there should be an opportunity for colleagues to produce a written reflection on their learning and the actions they previously made so that appropriate conduct is fully understood and embedded into day-to-day practice. This should be included in a 'one-to-one' and will allow managers to support colleagues to avoid any repetition of previous errors by having an additional 'check in.'
6. Staff should also be educated, with awareness training provided, to support the Council's wider approach to improving the outcomes and experiences of BAME colleagues within the Council.
7. Whilst there are some scenarios in which it may be more appropriate for the alleged allegations of race discrimination to be dealt with via the grievance route (for example, an allegation of failure to promote involving possible unconscious bias by the decision-maker), any allegations of blatant and/or repeated acts of racism should be dealt with via disciplinary routes as standard and be accepted as part of internal process in terms of any employment tribunal action that might follow.