

Ref: FOI/2973

30 June 2020

Mr M Waite  
c/o [request-657006-17aaf456@whatdotheyknow.com](mailto:request-657006-17aaf456@whatdotheyknow.com)

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Dear Mr Waite,

**Appeal of Freedom of Information Response FOI/2973**

Thank you for your email dated 2 June 2020 that appealed some of the information provided for your Freedom of Information request, reference number FOI/2973. On review it would have been appropriate to expand and provide more detailed responses on the information requested, I apologise that this was not done during the original request.

You specifically asked in relation to **question 2**, "what would be an appropriate disciplinary action for each of the given specific examples;

- i) A muslim member of staff being referred to as a terrorist and having a bomb in their bag;
- ii) A member of the public being referred to by a racist derogatory term;
- iii) A member of staff declaring that they "don't like muslims";
- iv) A member of staff the dismissing concerns of a BAME student about an offensive term with the phrase slavery ended two hundred years ago;
- v) A member of staff telling a BAME member of staff that they only achieved because of the colour of their skin;
- vi) The use of Adolf Hitler as an example of great leadership in a WMAS management training assessment centre;
- vii) The posting of racist and white supremacist material on personal social media?

The Trust does not work towards a defined list of sanctions for specific examples of misconduct. Nonetheless, the Trust's Disciplinary Policy and Procedure observes the current employment legislation and the ACAS Code of Practice on Disciplinary and Grievance. Each disciplinary matter is considered on a case by case basis, given due regard to the full facts and details of each individual case. The disciplinary policy is clear, and includes, in accordance with employment legislation and ACAS guidance, a range of potential sanctions that would apply, from a warning through to dismissal. Should the conduct of the member of staff be regarded as gross misconduct of such nature that it fundamentally breaches the contractual relationship between the member of staff and the employer, management would not accept the continuing presence of the employee in the workplace and termination of their contract would be likely in these circumstances.

You noted that the answer provided did not fully answer **question 3** on *whether or not WMAS has a zero tolerance policy towards racism*. There is no mention of zero tolerance to racism (only bullying) in the policies yet on 24/07/2017 the Emergency Services Operations Delivery Director told a meeting of BAME staff that WMAS has a zero tolerance policy towards racism. Please clarify if this is the case or if the director was mistaken or misleading the BAME staff present;

As stated in the Trust's Weekly Brief issue 712 on Thursday 11 June 2020, "Our Zero Tolerance Statement reiterates that where any potential breach in the standards expected of our workforce is known, the Trust will undertake an investigation and where necessary

impose a sanction in accordance with our disciplinary procedures. The Trust strives to continue to examine and address such behaviours. It is also our policy to promote and learn and develop understanding and cohesion so that we can celebrate the collective diversity within our organisation and encourage inclusion across all of our staff groups."

You noted that the answer provided did not fully answer **question 4**; this being:

*4) If West Midlands Ambulance Service does have a zero tolerance policy towards racist behaviour from staff, what does that mean in practice?*

The Trust's zero tolerance approach means that where any potential breach in the standards expected of our workforce is known, the Trust will undertake an investigation and where necessary impose a sanction in accordance with our disciplinary procedures. Section 12 of the Disciplinary Policy and Procedure is clear that this could result in a sanction from a warning to dismissal for gross misconduct.

You noted that the Trust response did not answer **question 5**, *"For the avoidance of doubt I am requesting a response that clarifies if an employee would be dismissed if they were known to hold and share racist views."*

The Trust will undertake an investigation of any employee known to hold and share racist views and impose a sanction in accordance with our disciplinary procedures. As explained above, Section 12 of the Disciplinary Policy and Procedure is clear that this could result in a sanction from a warning to dismissal for gross misconduct.

You noted that the Trust response did not answer **question 6**, "Does West Midlands Ambulance Service consider that the employment of front line clinicians that hold racist views constitutes a risk to the BAME patients that they serve?"

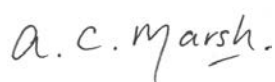
The Trust's zero tolerance approach means that where any potential breach in the standards expected of our workforce is known, this will be investigated in accordance with our disciplinary procedures. As stated in the recent Weekly Brief, *"It is also our policy to promote and learn and develop understanding and cohesion so that we can celebrate the collective diversity within our organisation and encourage inclusion across all of our staff groups."*

I hope this response provides a full answer to your questions. It may assist to formally meet in relation to your questions with our Director of Workforce and Organisational Development and our Head of Diversity, Equality and Inclusivity.

Should you disagree with the contents of this letter you have the right to appeal to the Information Commissioner at:

- Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire, SK9 5AF  
Tel: 0303 123 1113  
[www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely



**Professor Anthony C Marsh**  
**Chief Executive Officer**