

## Charter for Mental Health in Employment

### 1. SCOPE

- 1.0.1 Cheshire & Wirral Partnership Trust, Cheshire County Council and Wirral Metropolitan Borough Council commissioned this Charter. These organisations wish to work together to actively seek to recruit people currently under-represented in their workforce, this includes people with a disability.
- 1.0.2 This Charter should be used in conjunction with other pertinent organisational policy e.g. Equal Opportunities Policy, Equality and Diversity Policy, Managing Attendance Policy, Dignity at Work Policy.

### 2. INTRODUCTION

As equal opportunities employers, in partnership with employees, we aim to create an environment in which employees or prospective employees can expect to be treated fairly and equally.

### 3. DEFINITIONS

- 2.0.1 Disability can be defined as ***'a physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out day-to-day activities'***. [ref 1]

Substantial is defined as affecting ones ability to complete daily living routines whereas long term means the illness has lasted or is expected to last at least 12 months.

- 2.0.2 In order for a mental impairment to be covered by the Disability Discrimination Act it must be ***'recognised by a respectable body of medical opinion'*** thus problems ranging from manic depression and schizophrenia to panic disorders and various depressive conditions could fall within the scope of the Act. [ref 1]
- 2.0.3 A person who has recovered from a disability covered by the Act remains protected. For example, it would be illegal to simply refuse a job to an applicant or employee because they experienced a nervous breakdown several years ago.

### 3. CONTEXT

- 3.0.1 "Adults with long term mental health problems are one of the most excluded groups in society. Although many want to work, fewer than a quarter actually do – the lowest employment rate for any of the main groups of disabled people. Too often people do not have other activities to fill their days and spend their time alone". [ref 2]
- "Nearly 3 in every 10 employees will have some kind of mental health problem in any 1 year, mainly depressive and anxiety disorders". [ref 3]

- “Around 1 in 4 people with mental illness have not consulted a professional about their mental health”. [ref 3]
- “Over 91 million working days are lost due to mental ill-health each year”. [ref 3]
- Stress related absence accounts for half of all sickness from work with an estimated cost to industry of £4 billion”. [ref 3]
- “People with mental health problems have the highest rate of unemployment amongst people with disabilities”. [ref 3]

#### 4. PRINCIPLES

4.0.1 We recognise the potential disadvantage of people with a disability in gaining and sustaining employment, but also see the specific knowledge, experience and expertise they could offer to direct service provision as a consequence of their personal experience. Not to acknowledge this would be ‘.....unjust, a waste of human potential, a great cost to society, and potentially unlawful.....’[ref 4].

4.0.2 The Disability Discrimination Act [1995] also sets out some specific guidance for employers:

- Under the DDA it is unlawful for an employer to treat a person less favourably than others because of a disability.
- The employer has a duty to make **‘reasonable adjustments’** if a disabled employee will be put at a substantial disadvantage in relation to others as a direct result of their disability.

4.0.4 In addition to the requirement of the DDA and the desire to harness the potential of people with a disability for the benefit of the service[s], there are also some key fundamental principles for supporting the recruitment and retention of individuals with a disability. [ref 5]

Key Fundamental Principles	Description
Good Practice	Health and Social Care agencies in partnership, have a responsibility to challenge the stigma experienced by people with mental ill-health or learning disability. The following points in this table will ensure that this occurs.
Personal Skills	People who have faced disability have often acquired problem solving, diplomacy and creativity skills along with self-determination. As organisations we need to recognise and harness peoples’ skills.
Attendance at Work	Provide a supportive and open work environment that will ensure employees feel able to share issues of concern with their employer. This will likely have a positive impact on overall attendance at work.

<b>Key Fundamental Principles</b>	<b>Description</b>
Employee Work Relations	Creating a positive climate of understanding around the needs of employees will engender a supportive culture within the workplace.
Motivation	Creating a positive culture where employees feel valued can lead to improved morale and efficiency within the workforce.
Right Person for the Job	The recruitment and retention of employees is a key issue for all public sector organisations. It is important to widen the potential recruitment pool to ensure we recruit the right worker for the jobs we seek to fill, and that we retain experienced and trained employees and continue to support their continued development.
Effective Workplace	Supporting employees to remain in work will contribute towards an overall improvement in working patterns, systems and procedures for the benefit of all employees within the service.
Health and Safety	As an employer we need to recognise the health needs of all employees to ensure that we fulfil our duty of care effectively for all concerned. General wellbeing awareness raising/training for employees will be made available.
Active Recruitment	As equal opportunities employers we must actively seek to recruit people who are under represented in the workforce. This should apply equally to people with a disability. The workforce needs to reflect the diversity within which the service operates.

#### **4. RECRUITMENT AND RETENTION**

##### **5.1 Basic underlying principles**

- 5.1.1 No person will be refused employment or have employment terminated on health grounds without the employer first making reasonable adjustments to the job in accordance with the Disability Discrimination Act (1995). [ref 4]
- 5.1.2 Prospective employees have a duty to disclose mental ill-health which could impact on their ability to effectively carry out their duties in order to allow employers to adopt a positive, systematic and supportive approach. Failure to do so may result in dismissal/retraction of job offer.
- 5.1.3 Specialist advice from Occupational Health may be required to determine the nature of required adjustments. The individual's manager will need to know that this is the case although the medical reason behind the decision will remain confidential.

- 5.1.4 Should an employee's/proposed employee's disability give rise to work performance concerns, adjustments based on the individual's circumstances will be made if appropriate.
- 5.1.5 Where it is identified from the pre-employment medical assessment that an individual is not suitable for the proposed post, it should only be because:-
- a) the nature of their disability would put the individual, patients or the service at serious risk and/or
  - b) there are no reasonable adjustments that can be made to enable that person to do the job or to work in another post.

## **5.2 Examples of reasonable adjustments include:**

- Rearranging responsibilities (e.g. exchanging a single demanding project for smaller projects)
- Offering flexible working (e.g. part time hours, working from home etc)
- Giving permission to seek support from a professional by phone during the working day.
- Providing appropriate adaptation to the work environment/equipment that better suits the needs of the individual employee to allow them to maintain effective work performance.

## **5.3 Recruitment**

- 5.3.1 We positively encourage applications from people with mental ill-health or learning disabilities providing they have the qualities required for the job.
- 5.3.2 For all posts, selection will be based on the right person for the job. Experience of mental ill-health, or other disabilities, will be regarded as a positive attribute and will not be a barrier to selection.
- 5.3.3 All potential employees are subject to pre-employment health assessments.
- 5.3.4 No potential employee will be refused employment on the grounds of ill health without occupational health advice being sought first and reasonable adjustments considered.
- 5.3.5 All decisions relating to the employment of persons with mental ill-health should be made in partnership with an occupational health professional. Such decisions should be made following completion of a detailed risk assessment that takes into account the individual's health problems, the nature of their employment, and suggested modifications that could enable the individual fulfil their job role.
- 5.3.6 As employers we will:
- recognise that the employment discrimination experienced by many people who have had mental ill-health may discourage them from seeking employment.
  - build relationships with Job Centre Plus and other organisations that support the employment of people with mental ill-health.
  - make it known at the recruitment stage that we will make reasonable adjustments for disabled applicants, including those with mental ill-health.
  - Encourage disclosure of mental health problems at application.

## **5.4 Retention**

- 5.4.1 Employees will be supported to develop, utilise and share their knowledge, skills and abilities to their full potential.
- 5.4.2 Policies & procedures in the area of disability will be cross referenced with this Charter to promote a healthy work environment. These will include measurable targets and an effective auditing process and will comply with the Disability Discrimination Act 1995.
- 5.4.3 We will promote and develop a culture where staff can be open about their mental health/disability status, and be treated fairly and supported to seek help. Any employee who feels their mental health is having an adverse effect on their day to day work abilities will be encouraged to discuss this with their manager, human resources advisor, occupational health advisor or staff support team at the earliest opportunity.

***The decision to inform colleagues is a personal decision that should be taken by the individual.***

- 5.4.4 Appropriate specialist advice should be sought at the earliest opportunity to assist in the management of individuals with mental health problems.
- 5.4.5 A return to work meeting will be conducted with all individuals returning to work following sickness absence to determine if any adjustments are required.

Follow-up meetings should be arranged as necessary, to monitor any action plans produced.

## **6. TRAINING**

- 6.0.1 The concept of adjustment organisations have in relation to equal opportunities policies will be made known to all employees.

All staff will undertake mental health and learning disability awareness training. The aim of this training would be to:

- Raise understanding of general mental health and disability issues
- Recognise signs / symptoms of mental ill-health and disability
- Determine mechanisms for individual / team help and support

- 6.0.2 Managers will be trained in recognition of mental ill-health and relevant policy and procedures to follow.

## REFERENCES

1. Legislation Disability Discrimination Act 1995
2. Office of the Deputy Prime Minister Mental Health and Social Exclusion (June 2004)  
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3. Working Minds Toolkit A Practical resources to Promote Good Workplace Practice on Mental Health.  
Department of Health <http://www.mindout.net>
4. Department of Health Mental Health and Employment in the NHS (1992)  
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5. Working Minds Survey 'Attitudes on Mental Health in the Workplace, with Proposals for Change' Department of Health <http://www.mindout.net/-date>

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1. Social Service Inspectorate Treated as People: An overview of mental health services from a Social Care Perspective 2002-2004