

**Representing and Supporting Members with Mental Health Problems at Work**

**Guidance for NCOA Representatives**

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9. **Introduction**

The mental health charity MIND state that 1 in 4 people experience mental health problems at some time in their life. There are many different types of mental health problems. Mental health problems range from the worries we all experience as part of everyday life to serious long-term conditions. The majority of people who experience mental health problems can get over them or learn to live with them, especially if they get help early on.

Below is a list, which is not exhaustive of some common mental health problems:

Depression

Anxiety

Mixed anxiety and depression

Phobias

OCD

Panic disorder

Post-traumatic stress disorder

Eating disorders

[Anxiety](http://www.mentalhealth.org.uk/help-information/mental-health-a-z/F/fear/) and [depression](http://www.mentalhealth.org.uk/help-information/mental-health-a-z/D/depression/) are the most common problems, with around [1 in 10 people](http://www.mentalhealth.org.uk/help-information/mental-health-statistics/common-mental-health-problems/) affected at any one time. [Anxiety](http://www.mentalhealth.org.uk/help-information/mental-health-a-z/F/fear/) and [depression](http://www.mentalhealth.org.uk/help-information/mental-health-a-z/D/depression/) can be severe and long-lasting and have a big impact on people’s ability to get on with life.

Many people who live with a mental health problem or are developing one try to keep their feelings hidden because they are afraid of other people’s reactions. And many people feel troubled without having a diagnosed, or diagnosable, mental health problem - although that doesn’t mean they aren’t struggling to cope with daily life.

This guidance is to assist NCOA reps to support members who may be experiencing mental health problems.

1. **Disclosure of a Mental Health Problem**

People with mental health problems may be reluctant to disclose their mental health problem because they worry that it may affect their chances of getting a job or that people might think they are not capable of fulfilling their role. Disabled people are not under a legal obligation to disclose their disability or long-term health condition. However, if they do not do this, the employer may not be able to provide the reasonable adjustments they need to fulfil their role. Decisions over disclosure are deeply personal, but unions should encourage members to disclose their mental health problem to the employer, as the onus is then on the employer to make reasonable adjustments.

1. **The Equality Act 2010**

The [Equality Act 2010](http://www.mind.org.uk/information-support/new-legal-publications/disability-discrimination-the-mind-guide/terms-you-need-to-know/#equalityact) is the law that gives you the right to challenge discrimination.

To get protection under the Equality Act, an employee has to show that their mental health problem is a disability. ['Disability' has a special meaning](http://www.mind.org.uk/information-support/legal-rights/disability-discrimination/disability/) under the Act which is a

*‘Physical or mental impairment which has a substantial, adverse, long term effect on his or her ability to carry out normal day-to-day activities’.*

The Equality Act protects people with disabilities if they are discriminated against by employers, organisations that provide services and public functions, education providers (like universities and colleges), organisations that sell or manage property and private clubs and associations.

Public authorities have an additional duty to eliminate discrimination, called the [public sector equality duty](http://www.mind.org.uk/information-support/legal-rights/disability-discrimination/public-sector-equality-duty/).

There are short timescales for initiating a legal claim if you believe that someone has been discriminated you. Legal advice should be sought if someone wishes to make a claim. The NCOA provides legal assistance to its members and the Legal Insurance Management (LIM) helpline should be able to provide advice.

The Equality Act 2010 states that an employer must provide ‘reasonable adjustments’ for staff with a disability. Examples of reasonable adjustments for members with mental health problems could include:

* Allowing the employee to adjust their working hours
* Allowing the person to take more frequent breaks than other people
* Providing a workplace ‘buddy’
* Changing the person’s work duties
* Altering supervision or appraisal methods
* Redeploying the person into a different role
1. **NCA Policies and Operating Procedures**

There are a number of NCA policies and operating procedures relating to mental health and disability.

**HR08 Occupational Health and Welfare**

Section 6.1 of this policy talks about how stress should be effectively managed.

**Sickness (HR02 OP11)**

This operating procedure talks about the mandatory referral of an officer to Occupational Health should the absence be reported as work related stress, serious or a long term illness. It also states how the officer should be supported on their return.

**Reasonable Adjustment** (HR02 OP05)

This operating procedure relates to providing reasonable adjustments. It outlines what is considered a disability and the procedure to identify and implement any reasonable adjustments needed to support the officer. Long term mental health issues tend to be classed as a disability under the Equality Act 2010. The Equality Act 2010 clearly states an employer’s duty towards staff with disabilities.

Talk this policy through with your member and encourage them to complete the Reasonable Adjustment Form (HR02 F18) in conjunction with their line manager.

**Absence Management Policy**

This operating procedure talks about disability leave. Disability leave allows an employee to plan with the employer for any regular absences, such as needing to attend counselling appointments that can only be provided by the NHS during work hours.

Reps should encourage employers to discount disability related absence from the person’s overall sickness record. If the employee is likely to be absent for a long time, even if the absence is disability-related, it may be lawful for the employer to invoke attendance management procedures, but only if they have made every effort to make reasonable adjustments to enable the person to return to work.

**Line Management Resource 2 (HR08 SD02)**

This document provides advice to line managers about how to support their member of staff when on sick leave, and then how to support them when returning to work from an absence.

**Management of Stress in the Workplace (ES01 OP19)**:

This operating procedure outlines how the NCA recognise that stress and mental health problems exist and that there may be causal links outside and within the workplace. It outlines how the NCA supports officers experiencing stress within the workplace.

**Individual Stress Risk Assessment (ES01 SD33):**

Any officer experiencing work related stress should complete this risk assessment and discuss it with their line manager. An action plan should be agreed where applicable.

1. **Documenting Decisions**

It is imperative that unions document any requests for, and decisions made about, making reasonable adjustments in relation to problems the member with mental health problems have in the workplace. Reps should make a note of:

• What work issues were of concern to the member?

• What advice the rep sought about adjustments

• Evidence of how they supported their member to discuss with the employer what adjustments would be put into place

• What adjustments were agreed and a process for reviewing arrangements. The NCA should also document decisions they take about making adjustments. Both parties may need to provide this documentation for a grievance procedure or an ET. The member should also have a record of any such requests and what the outcome was.

1. **NCOA Requirements**

Unions are also required to make reasonable adjustments for their disabled members. Some examples of helpful adjustments that members with mental health problems might find helpful are:

• making adjustments to times and venues of branch meetings, case conferences or other meetings (some people may prefer meetings in the afternoon as the effects of medication may be more prevalent in the morning)

• When dealing with personal cases, where required, allow extended appointment times

• allow the member to take breaks in meetings if required

• allow advocates/friends to be present at meetings

• allow meetings to be taped or provide written minutes/ notes afterwards

1. **Support for NCOA Reps**

Providing support for members experiencing mental health conditions can be emotionally difficult. Occasionally reps will be supporting members who are experiencing suicidal feelings. When this occurs, it is very important that the member does not cope with this alone. The rep is not a mental health expert and should not make decisions on behalf of the member. The rep should have a conversation with the member regarding the suicidal thoughts to gain more information – has the member thought about how they will do it, or put any plans in place to carry these thoughts through? Do they have no immediate plans to end their life but just want a break from their current situation? Where there is a risk of harm to the member, the rep should raise this with a manager within the NCA. The member must be informed that this is what the rep will be doing and the reasons for this to be reported is to keep the member safe and to give them the support that they need. The rep can also advise the member to contact the GP and signpost them with the details of the organisations under section 8 of this document, titled ‘Further Advice’.

It is important to recognise that reps need support too. In such cases, the NCOA are committed to providing that rep with a ‘buddy’. The buddy is there to listen to the reps experience, act as a sounding board and provide further support. That ‘buddy’ can accompany the rep on visits to sites outside of the NCA estates if deemed appropriate.

1. **Further Advice:**

Care Services Improvement Partnership (CSIP) Advice on mental health and other issues.

Website: www.csip.org.uk

Email: ask@csip.org.uk

Tel: 0113 2545127

Dealing with depression Support network for people with depression.

Website: [www.dealingwithdepression.co.uk](http://www.dealingwithdepression.co.uk)

Disability Forward Limited authorising organisation of this guidance, expertise in disability issues including mental health.

Website: www.disabilityfwd.co.uk

Email: enquiry@disabilityfwd.co.uk

Health and Safety Executive Advice available on stress at work, stress management and on dealing with H&S and disability issues in the workplace. Website: www.hse.gov.uk

Email: hse.infoline@natbrit.com

Tel: 0845 345 0055 n

Healthy Minds at Work (Wales) An advice service for employer in Wales. Website: www.healthymindsatwork.org.uk J n

Jobcentre plus Jobcentre Plus operates the Access to Work scheme and other programmes to help disabled people get and keep work.

Website: www.jobcentreplus.org.uk

Email: contact-us@jobcentreplus.gsi.gov.uk

Legal Insurance Management – a legal advice helpline for NCOA members

Website: [www.legalim.co.uk](http://www.legalim.co.uk)

Tel: 01384 887577

MDF – the Bipolar Organisation An organisation which provides advice on manic depression/Bipolar disorder.

Website: www.mdf.org.uk

Email: mdf@mdf.org.uk

Tel: 020 7793 2600

Mind Expert advice on mental health issues

Website: www.mind.org.uk

Email: info@mind.org.uk

Tel: 020 8519 2122

MINDFUL EMPLOYER Expert advice and guidance on mental health at work Website: www.mindfulemployer.net

Email: info@mindfulemployer.net

Tel: 01392 208833

National Phobics Society Provides advice on anxiety disorders.

Website: www.phobics-society.org.uk

Email: info@phobics-society.org.uk

Tel: 08444 775774

Rethink (formerly National Schizophrenia Fellowship) Provides advice and guidance on mental health issues.

Website: www.rethink.org

Email: info@rethink.org

Tel: 0845 456 0455

Sainsbury Centre for Mental Health Expert advice on mental health and employment issues.

Website: www.scmh.org.uk

Email: contact@scmh.org.uk

Tel: 020 7827 8300

SANE Support, information and advice for anyone affected by mental health problems.

Website: www.sane.org.uk

Email: info@sane.org.uk

Tel: 020 7375 1002

Scottish Association for Mental Health Scotland’s leading mental health charity. Website: www.samh.org.uk

Email: enquiries@samh.org.uk

Tel: 0141 568 7000

SHIFT – (part of) National Institute for Mental Health in England Awareness raising and advice on mental health at work.

Website: www.shift.org.uk

Email: shift@csip.org.uk

Tel: 0845 223 5447

Samaritans – a confidential helpline for those experiencing mental health problems.

Website: [www.samaritans.org](http://www.samaritans.org)

Email: jo@samaritans.org

Tel: 116 123