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EMPLOYMENT ZONE

Manager's Guide to Disability, Mental Health Problems and Stress

1. Introduction

Our Policy

Every day, our employees act as the 'face' of Glasgow City Council, often coming into contact with the people who live in and visit the City. Our reputation and success depends on the services they deliver. As a result, we expect a high level of attendance from our employees in order to deliver an efficient and effective service to all our customers.

We recognise the importance of the health, safety and wellbeing of all our employees. Our [attendance management policy](#) provides a framework which allows us to support our employees' attendance, and to provide assistance to employees with health problems at an early stage. We're committed to improving our employees' health and wellbeing, which is demonstrated by the professional services we have available, such as our [employee assistance programme](#) and [occupational health service](#).

Purpose of the guide

This guide outlines the key considerations in managing employees who have a disability or mental health problem, or who are suffering from stress. It explains the key steps involved in managing these types of absences, how we should support our employees and meet any legislative requirements placed on us.

2. Disability

Disability Defined

The Equality Act 2010 incorporates what was previously known as the Disability Discrimination Act (DDA), and protects anyone who has, or has had, a disability.

Under the Act, a disability is defined as:

"A physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities".

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But what does this mean? We have provided the following explanation for you.

'Physical or mental impairment'

This refers to conditions such as, for example:

- Asthma.
- Chronic fatigue syndrome.
- Diabetes.
- Epilepsy.
- Impaired hearing.
- Learning difficulties, such as dyslexia.
- Learning disabilities, such as autism and Down's syndrome.
- Mental health conditions, such as bipolar disorder, depression, post-traumatic stress disorder and schizophrenia.
- Rheumatoid arthritis.
- Visual impairments.

Progressive conditions

Progressive conditions are those that are likely to change and develop over time. They're classed as a disability from when the person is first diagnosed and include conditions such as cancer, multiple sclerosis, muscular dystrophy and HIV infection.

What is a 'substantial and long-term adverse effect'?

This means that the impairment must have a significant, unfavorable effect on the person's day-to-day life, and:

- it must have lasted for at least 12 months;
- is likely to last for at least 12 months; or
- is likely to last for the rest of the person's life.

Normal day-to-day activities

There's no specific definition of normal day-to-day activities under the Act. However, it can include things like:

- using a telephone;
- reading a book; or
- using public transport.

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Examples of a 'substantial, adverse effect on normal day-to-day activities' could include:

- Being unable to hear and understand another person speaking clearly over the telephone.
- Being unable to speak clearly enough to give basic instructions to another person.
- Difficulty in going up or down steps.
- Bowel problems.
- Persistently being unable to remember the names of familiar people such as work colleagues.

Reasonable adjustments

We want to support our employees, and prevent a disabled employee from being placed at a substantial disadvantage when compared to an employee who does not have a disability.

When doing this, you should bear in mind the three requirements of the Equality Act in making reasonable adjustments:

- Changing the way things are done (for example, changing a practice such as adjusting working hours).
- Making changes to the physical environment where it would be reasonable to do so (for example, providing access to a building).
- Providing aids and services (for example, special computer software).

If we don't support our employees with these requirements, then we may be discriminating against the disabled person. You can read our [employment of disabled persons policy](#) and our [code of practice on the employment of disabled people](#) for more information on our commitment to making sure that we don't discriminate against disabled people.

You can find a list of examples of reasonable adjustments on the next page.

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Examples of reasonable adjustments:	
<ul style="list-style-type: none">• Giving some of their duties to another employee.	<ul style="list-style-type: none">• Changing their working hours on a temporary or permanent basis.
<ul style="list-style-type: none">• Transferring them to a different place of work.	<ul style="list-style-type: none">• Giving or arranging for training.• Mentoring.
<ul style="list-style-type: none">• Allowing them time off during working hours for rehabilitation, assessment or treatment.	<ul style="list-style-type: none">• Acquiring or modifying equipment, such as providing voice-activated computer software for an employee with a visual impairment.
<ul style="list-style-type: none">• Altering instructions or reference materials.	<ul style="list-style-type: none">• Changing procedures for testing or assessment.
<ul style="list-style-type: none">• Providing a reader or interpreter.	<ul style="list-style-type: none">• Providing supervision and/or support.
<ul style="list-style-type: none">• Altering the physical environment, such as:<ul style="list-style-type: none">➢ providing a ramp for a wheelchair user;➢ moving light switches, door handles or shelves for someone who has difficulty in reaching; or➢ installing an induction loop system.	

You can find further information on types of reasonable adjustments in our [manager's information sheet: reasonable adjustments](#).

Disability and absence

It's not reasonable to assume that a disabled employee will be off sick more than an employee who isn't disabled. If a disabled employee is absent, you should find out if it's related to their disability. You should consider all reasonable adjustments.

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Role of OHS and reasonable adjustments

You may want to refer the employee to our occupational health service (OHS) to assess whether they have a disability and to help identify any support that could assist them. You should:

- Explain what tasks the employee needs to do.
- Ask specific questions about what the employee can do.
- Ask what reasonable adjustments may be needed.

You can find details of how to make a referral in [maximising attendance: Occupational Health Service guide for managers](#).

When you refer an employee to OHS, you'll receive a report from them which should answer your questions. You should discuss the content of the report with the employee. You'll then need to decide, based on the information you have, whether the employee is disabled under the Act. This means that you may need to ask the employee for some more information to help you. You may also wish to seek advice and guidance from your service HR team.

You should ask these questions to enable the employee to give you their account. You can also fully explore:

- What aspects of the job they aren't able to do and why.
- What forms of assistance or reasonable adjustments may help them to do the job, such as providing equipment, changing their duties or altering their hours.

You can find more information on this in our [maximising attendance: Occupational Health Service guide for managers](#).

When you're assessing whether an adjustment may be reasonable, you should consider:

- How practical it is.
- How effective it will be in improving the employee's attendance to an acceptable level.
- Financial and other costs.
- How much disruption it would cause.
- The effect on how services are provided.
- Other resources available, such as the services available through Access to Work (as detailed see below).

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You can find more information on the types of reasonable adjustments you could consider in our [manager's information sheet: reasonable adjustments](#). You can also get advice and guidance from your service HR team.

Access to Work

Access to Work (ATW) is a Government grant-funded programme that aims to help disabled people to overcome any obstacles at work by providing practical support and financial assistance.

As well as giving advice and information, ATW can help pay for:

- Special aids or equipment, or changes to existing equipment.
- Changes to premises or the work environment.
- The cost of travel to work for people who can't use public transport.
- A support worker, who can give practical help either at work or getting to work (this could be specialist coaching for a person with learning difficulties, or accompanying a disabled person to work).
- Support with communication at interview (an interpreter, for example).
- Other one off items of support (for example, deaf awareness training for close colleagues of a deaf person).

It's the employee's responsibility to apply for support from ATW, but you may need to support them in this process. You can find further information on this in [access to work – manager's guide](#).

Termination of employment

There may be cases where the disabled employee is unable to return to work or improve their level of attendance, and you may have to consider their continued employment with us. In such cases, you should first explore whether ill health retiral may be an option.

Ill health retiral (excluding teachers)

Ill health retiral is only available to employees who are members of Strathclyde pension fund. It's granted in cases where OHS assess that:

- they're unlikely to work again before age 65 (tier 1); or
- they have a reasonable prospect of working again before 65 (tier 2).

Approval must be sought from a qualified medical practitioner on whether the employee meets the criteria for ill health retirement. The employee can appeal against the decision not to grant ill health retiral. You can get details on the procedure for this from the [Strathclyde pension fund](#).

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Teachers

If the employee is a teacher, an application will need to be made to the [Scottish Public Pensions Agency](#) (SPPA), together with supporting medical information.

You can obtain further information on ill health retiral in [maximising attendance manager's guide](#), or from your service HR team.

Dismissal on capability grounds

There may come a time where you have to dismiss the employee on capability grounds. This will be in cases where they can no longer fulfil their duties because of their disability. You'll have to be able to justify your decision.

You should only consider dismissal where there's no other alternative and you've explored all possible options with the employee. This will be in cases where:

- The employee doesn't meet the criteria for ill health retiral.
- You have sought the appropriate medical advice from OHS and/or the employee's GP.
- You have fully explored all reasonable adjustments.
- The employee isn't able to do the job or perform any other duties.

In such cases, you should follow the process for dismissal on capability grounds, as detailed in maximising attendance manager's guide, seeking advice from your service HR team.

3. Mental Health Problems

What is mental health?

The [World Health Organisation](#) defines mental health as a 'state of wellbeing' in which a person is able to:

- realise their own abilities;
- cope with the normal stresses of life;
- work productively; and
- make a contribution to their community.

A mental illness is a problem that affects mental health (just like a broken leg affects physical health).

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Mental health problems can affect anyone at any time. According to the [Mental Health Foundation](#), one in four of us will experience a serious problem with our mental wellbeing at some point in our lives.

Types of mental health problems

There are many different conditions that are recognised as mental health problems. The most common are anxiety and depression. Other mental health problems include:

- Bipolar disorder (or manic depression).
- Schizophrenia.
- Suicidal thoughts or feelings.

Someone who is considering suicide should normally be referred to a mental health professional. You should speak to your service HR team if you believe that an employee is a potential suicide risk. You may also wish to seek advice and guidance from [Occupational Health](#) and our [employee assistance provider](#). You can find a list of useful organisations in the index section of this guide.

Mental health problems and absence

Most people who have ongoing mental health problems continue to work successfully. You should work with the employee where they need some support and flexibility based on their health needs.

You should treat an employee with a mental health problem in the same way as any other employee, unless they ask for help or show clear signs that they need help. You shouldn't make assumptions about what they're able to do or the amount of absences they may take because of their condition.

You should arrange an early intervention meeting where an employee is absent as a result of a mental health problem. You should do this ideally within the first seven days of the absence starting, where appropriate. You can find further details on this in [maximising attendance manager's guide](#).

Maintaining contact

You should deal with the situation sensitively, but, like any other absence, it's important that you maintain contact with the employee. However, this may be difficult depending on their circumstances and how their mental illness is affecting them.



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You should make a judgement about how contact should be maintained to allow you to monitor the employee's absence and offer the appropriate support and assistance. You could do this through family members, a trade union representative or any other appropriate person acting on the employee's behalf.

Monitoring the situation

An employee suffering from a mental illness may return to work but continue to seek treatment for the illness. You should support employees in such circumstances, and put in place appropriate monitoring and supervision arrangements.

You'll need to review the situation where the employee's illness directly impacts on their ability to do their duties, and seek medical advice from occupational health. You should also try to establish the effect of any treatment or medication they're receiving.

Managing employees suffering from mental health problems can be a complex area to deal with. However, you should treat the matter sensitively and in an appropriate manner, and seek advice from your service HR team.

Further information

You can find further information on managing short term absence where an underlying health problem exists in [maximising attendance manager's guide](#).

Where the employee is long term absent, read [maximising attendance manager's guide](#).

You can also find a list of mental health organisations in the index section of this guide.

4. Stress

What is Stress?

The [Health and Safety Executive \(HSE\)](#) defines stress as:

"The adverse reaction people have to excessive pressures or other types of demand placed on them."

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Pressure can be a positive and motivating factor. Stress occurs when this pressure becomes too much. Stress can be a problem that affects a person's life, and there are typically clear signs to look out for:

14 common signs of stress:

- Worry.
- Tiredness.
- Anger.
- Poor sleep.
- Feeling worthless.
- Feeling hopeless.
- Feeling irritable.
- Panic attacks.
- Feeling on edge.
- Poor concentration.
- Unable to switch off.
- Waiting for the worst to happen.
- Tearful.
- Drinking too much.

Stress isn't considered a disability under the Equality Act. However, an employee may be covered in cases where they develop a physical or mental impairment as a result of stress that meets the definition. You can find details of this in section 2 of this guide.

Causes of stress

Stress is more common than people realise, with one in five people in Scotland experiencing a problem with stress. Stress affects people in different ways, and no two people get stress in the same way.

Where an employee is showing signs of stress, you should establish whether the stress is:

- work related;
- personal; or
- a combination of both.

You should provide support to an employee who is absent due to stress to enable an early return to work or to reduce the level of absence caused by stress.

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Causes of stress outside work

Many things in people's lives outside work could cause them stress, for example:

- Bereavement.
- Divorce or separation from a partner.
- Family or childcare issues.
- Caring for other dependents, such as elderly relatives.
- Change in financial state, or debt or money worries.
- Living with someone with an addiction.

Supporting employees with stress:

- **Be sympathetic and proactive.**

- Arrange a confidential meeting with the employee.
- Give them the opportunity to discuss any problems they have.
- Voice your concerns.
- Try to establish the cause of stress.

- **Be flexible.**

- You could consider offering the employee flexible working hours. This could be on a temporary basis to help them resolve their difficulties. You can find more information on this in our [work life balance policy](#) and [flexible working procedure](#).

- **Suggest outside support.**

- Urge them to visit their doctor, if appropriate.
- Suggest support groups or organisations that could help (you can find a list of these at the end of this guide).

- **Ask if there's any form of support and assistance we could offer.**

- Advise the employee of the services available through our [employee assistance provider](#).
- Refer the employee to our occupational health service, if appropriate, to establish the effect of stress on their ability to do their job or other duties. You can find details of the referral process in [maximising attendance: Occupational Health Service guide for managers](#).



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Work related stress

The HSE defines work related stress as:

"The process that arises where work demands of various types and combinations exceed the person's capacity and capability to cope."

A person can experience stress when, for example:

- they feel that the demands of their job are greater than their ability to cope;
- they have too few demands, and may become bored and feel undervalued; or
- they feel they have little or no say over the work they do or how they do it.

Signs of stress

As a manager, you have a duty to ensure that work isn't a source of stress for your team. If you understand how to spot the signs of stress and what to do to reduce it, this will help you to achieve this.

There will often be some clear signs that a person is experiencing stress at work. If they're detected early, you can take action before the pressure becomes a problem, and it will then be easier to reduce and remove the cause.

You should look out for changes in a person's behaviour that could be linked with excessive pressure, as in some cases the employee may be reluctant to come forward with a problem. This could include:

- Deterioration in relationships with colleagues.
- Increased emotional reactions, for example, more tearful, sensitive or aggressive.
- Confusion and lack of concentration.
- Poor memory.
- Indecisiveness.
- Mood swings.
- Loss of motivation, commitment and confidence.
- Twitchy, nervous behaviour.
- Problems with timekeeping.

If you're able to recognise that their behaviour has changed and that something might be wrong, you can then take action.

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Managing work related stress

You should try to identify the cause of the work related stress. You should:

- Talk to the employee at an early stage.
- Be supportive.
- Explore whether any adjustments could be made to the job to relieve the stress.
- Try to accommodate changes that will assist the employee, where possible.
- Be flexible with working practices, where appropriate, ensuring it's fair to all members of your team.
- Establish if any of these issues have been identified before in any risk assessments.

- You can find information on this in the [**stress in the workplace**](#) health and safety policy.

You should advise the employee of our [**bullying and harassment policy**](#) in cases where they identify this as the cause of stress. Our policy outlines the informal and formal approach available to employees in such situations.

If the problem continues you should encourage the employee to seek appropriate help. This could be through their GP, or by accessing the services available through our [**employee assistance provider**](#). You may also want to consider a referral to OHS, where appropriate.

Stress and absence

It's important to help the employee to come back to work as quickly as possible if they're absent because of stress and you should offer the employee the appropriate support and assistance to achieve this. You'll need to:

- Maintain regular contact with the employee. This can help to keep work on their agenda. It also provides a good opportunity to check their progress and plan a return to work.
- Arrange an early intervention meeting. You can find details of this process in [**maximising attendance manager's guide**](#).
- Identify how you will address potential sources of stress.
- Seek medical advice from OHS, where appropriate.
- Consider whether you could make any reasonable adjustments.

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Returning to work

You should carry out a return to work interview when an employee returns to work after any period of absence. You can find full details of the return to work process in [maximising attendance manager's guide](#).

You may both agree that the employee returns to work on a phased basis to help ease them back into work. You might also want to agree when the employee has reached the stage of 'business as usual'. At this point, you can use your normal processes to review their performance, needs and work planning.

An employee may feel isolated and out of touch with current events if they've been away from work for a long period. You should have regular meetings with the employee on their return to work to monitor their progress and workload, and to update them on any developments or changes that have taken place while they've been absent.

Dismissal on capability grounds

In some situations, there may not be an effective way to reduce or resolve the employee's stress and you may have to consider dismissal on capability grounds. This will be in cases where the employee doesn't meet the criteria for ill health retiral and you've explored all options of support with the employee and they're still unable to return to work. You can find further information on this in [maximising attendance manager's guide](#).

Further guidance

You can get further guidance on this, or any aspect of the maximising attendance toolkit, from your service HR team.

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Policies

[Attendance management policy](#)

[Bullying and harassment policy](#)

[Code of practice on the employment of disabled people](#)

[Employment of disabled persons policy](#)

[Flexible working procedure](#)

[Stress in the workplace](#)

[Work life balance policy](#)

Guides

[Access to work – manager's guide](#)

[Maximising attendance manager's guide](#)

[Maximising attendance: Occupational Health Service guide for managers.](#)

Information sheets

[Manager's information sheet: questions to ask OHS](#)

[Manager's information sheet: reasonable adjustments](#)

Links

[Employee assistance provider](#)

[Occupational health service](#)

[Strathclyde pension fund](#)

[Scottish public pensions agency](#)

[The health and safety executive](#)

[World health organisation](#)

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Information and support organisations

Anxiety UK – national charity for those affected by anxiety disorders.

www.anxietyuk.org.uk

Action on Depression – charity working with and for people affected by depression in Scotland.

www.actionondepression.org.uk

Bipolar Fellowship Scotland – information, support and advice for people affected by bipolar disorder/manic depression.

www.bipolarscotland.org.uk

Breathing Space – free and confidential service for anyone who is experiencing low mood or depression, or who is unusually worried and in need of someone to talk to.

www.breathingspacescotland.co.uk

Choose Life – national strategy and action plan to prevent suicide in Scotland.

www.chooselife.net

Equality and Human Rights Commission – statutory body who protect, enforce and promote equality. www.equalityhumanrights.com

Long Term Conditions Financial Inclusion Partnership – benefit and advice service for those diagnosed with a chronic obstructive pulmonary disease, heart failure or stroke.

Phone: 0141 287 5901 LTC@fs.glasgow.gov.uk

Macmillan Benefits Service Glasgow - benefits and money advice service for people affected by cancer and their families. Phone: 0141 420 8123

macmillanbenefitsservice@glasgow.gov.uk

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The Mental Health Foundation – UK mental health charity.

www.mentalhealth.org.uk

National Self-Harm Network

www.nshn.co.uk

National Schizophrenia Fellowship – working to improve the wellbeing and quality of life of those affected by schizophrenia and other mental illness, including families and carers.

www.nsfscot.org.uk

Rethink – national mental health charity.

www.rethink.org

The Samaritans – confidential, emotional support for people experiencing distress or despair.

www.samaritans.org.uk

SAMH – Scottish Association for Mental Health.

www.samh.org.uk

Scottish Centre for Healthy Working Lives – part of NHS Scotland, aims to help people improve their health and wellbeing. www.healthyworkinglives.com

Scottish Recovery Network – raises awareness of recovery from mental health problems.

www.scottishrecovery.net

See me... - Scotland's national campaign to end the stigma and discrimination of mental ill health.

www.seemescotland.org.uk

Steps – NHS primary care mental health team in south east Glasgow.

www.glasgowsteps.com

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Wellscotland.info - programme to improve the health and wellbeing of everyone living in Scotland. www.wellscotland.info

World Health Organisation – The United Nations public health arm.
www.who.int/en/

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