

Mental health in the workplace

Philip Bundy, Senior Employment
Law Adviser, LGA

The issue

- National debate around mental health
- Around 15% of people at work have symptoms of a mental health condition
- 300,000 with a long-term mental health condition lose their jobs per year
- Annual cost to employers of £33-42bn

Government's approach

- Raised the profile
- Focus on employers supporting those with mental health conditions
- Focus on prevention
- Mentoring
- Changing the culture and the way we talk about mental health

‘Thriving at work’ review

- All employees will have good work
- Everyone will have the knowledge and skills to look after their own mental health and those around us
- Organisations will be equipped with tools to address and prevent mental health conditions and to support individuals
- Reduced job losses due to mental health

Mental health core standards

- Produce implement and communicate a mental health at work plan
- Develop mental health awareness
- Encourage open conversations
- Good working conditions and work life balance
- Effective people management and monitoring
- Routinely monitor employee wellbeing

Public sector employers

- ‘Thriving at work’ recommendations for large and public sector employers:
 - Improve transparency and leadership. Will employers have to report on the mental health of their workforces?
 - Demonstrate accountability: performance objectives for senior leaders

Legal framework

- Health and safety obligations: legislation supported by HSE management standards
 - Demands (workloads), control (employment involvement), support (open, supportive work environment), relationships (avoiding conflict), the role, effective management of change
- Duty of care: personal injury claims
- Contractual obligations: implied duty to act in good faith

Legal framework

- Disability discrimination
 - Reasonable adjustments
- Unfair dismissal (including constructive dismissal)
 - Build in consideration of ill-health retirement before dismissing
- Protection from Harassment Act 1997
 - Oppressive and unacceptable course of conduct

Emergency services

- [Mind Blue Light programme](#)
- 87.5% of blue light personnel had experienced stress and poor mental health
- More likely to experience mental health issues than general workforce but less likely to be off
- Fear of being treated less favourably
- 71% thought organisations did not encourage mental health discussions (45% elsewhere)

Blue Light programme

- The causes
 - Excessive workload (56%)
 - Management pressure (55%)
 - Organisational upheaval (52%)
 - Long hours (45%)
 - Exposure to traumatic incidents (42%)

Blue Light programme

- The costs
 - 250 employees: £325,000 per year
 - Does not include staff turnover costs
 - Kent Police: mental health illness absence doubled 2010 to 2017
 - CFOA 41,000 shifts per year lost to firefighters with mental health issues

Blue light programme

- Tackle the stigma
- Empowering staff to lead the change
- Training managers
- Making support accessible
- Building resilience
- Establishing good practice networks

Managing staff: Acas guidance

- Spot the signs: behavioural changes, increase in absences?
- Talk to them: handle sensitively and be open minded
- What if they don't want to talk?
- Think about possible solutions
- Consider reasonable adjustments

Reasonable adjustments

- Acas suggestions
 - Adjustments to work schedule, breaks etc
 - Adjustments to role and responsibilities
 - Working environment changes; more personal space etc
 - Policy changes: e.g. flexibility about time off to attend appointments
 - Mentoring support/counselling

Stress at work policies

- Effective policy will provide advice and explain measures employer is taking
 - Including stress in risk assessments
 - Explaining role and expectations of managers
 - Training available
 - Channels of communication/investigations
 - Internal and external sources of support e.g. OH
 - Reference to other procedures e.g. capability

Ill health retirements

- Important this is considered before dismissal on capability grounds
- Interaction with occupational health/IQMP crucial
- Do they have up-to-date information?
- Consider reports carefully: do not 'act blindly'
- Keep the employee informed, but it is still your process, you can only act on what you know

Further resources

www.local.gov.uk/wellbeing-and-inclusion

www.local.gov.uk/our-support/workforce-and-hr-support/employment-relations