

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

Supporting staff with mental or physical disabilities

Policy Number:	HR27
Scope of this Document:	All Staff
Recommending Committee:	HR Policy Group
Approving Committee:	Executive Committee
Date Ratified:	February 2020
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Version Number:	2020 – Version 3
Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	Equality and Human Rights Lead HR Business Partner

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2020 – Version 3

Striving for perfect care
and a just culture

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

Supporting staff with mental or physical disabilities

Further information about this document:

Document name	Supporting staff with mental or physical disabilities HR27
Document summary	This policy describes the standards and processes required to support employees who have mental or physical disabilities. It raises awareness and provides guidance to managers and employees. Enabling the Trust to meet its duties to employees as required by the Equality Act 2010
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Published by Copies of this document are available from the Author(s) and via the trust's website	Mersey Care NHS Foundation Trust V7 Building Kings Business Park Prescot Merseyside L34 1PJ Trust's Website www.merseycare.nhs.uk
To be read in conjunction with	Management of Attendance (HR07) Equality Policy (HR10) Recruitment and Selection (HR21) Grievance Procedure (HR02) Flexible Working Policy (HR03) Capability Policy and Procedure(HR11) Leave for Family and Personal Reasons (HR04) Guidance relating to disability for the NHS Disability Confident scheme guidance
This document can be made available in a range of alternative formats including various languages, large print and braille etc	
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Version Control:

		Version History:
HR policy Group,	First review November 2016 Second review January 2017 Third review 2020	Version 1 Version 2 Version 3
Trust wide Policy Group	February 2017	Version 2
Executive Committee	February 2017	Version 2

SUPPORTING STATEMENTS

this document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / adult;
- knowing how to deal with a disclosure or allegation of child /adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child / adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, sex, race, religion and belief (or lack thereof), sexual orientation, gender reassignment, pregnancy and maternity and marital and civil partnership status. The Equality Act also requires regard to socio-economic factors.

The trust is committed to promoting and advancing equality and removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those that do not both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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1. PURPOSE AND RATIONALE

- 1.1 This policy is in place to ensure that Mersey Care NHS Foundation Trust meets its moral and legal obligations as a Public Body under the Equality Act 2010 and the Human Rights Act 1998.
- 1.2 The Trust's commitment to Recovery, its Health and Wellbeing approach with the principle of "Pursuing Perfect Care for Staff" is modelled on the ambition to deliver Perfect Patient Care. It seeks to provide the high quality levels of care and support provided to patients are reflected in the way the Trust values and supports its staff.
- 1.3 It is to be used for both newly recruited disabled employees who have clearly made their needs known and to employees who are currently employed by the Trust who become disabled whilst in employment
- 1.4 Mersey Care NHS Foundation Trust is committed to supporting disabled staff and raising awareness amongst all employees of the moral, social and legal obligations to make reasonable adjustments for disabled employees in accordance with employment legislation.
- 1.5 Mersey Care NHS Foundation Trust is committed to maximising the potential of its employees by complying with the Disability Confident government scheme and is also signed up to the charter on being a MINDFUL EMPLOYER which aims to put good practice into place to ensure employees and job applicants who declare mental health issues receive the right level of support.

2. OUTCOME FOCUSED AIMS AND OBJECTIVES

- 2.1 The aims and objectives of this Supporting staff with physical and mental disabilities policy are as follows:-
 - (a) The intended outcome of this policy is to improve the levels of employee disclosure of disability which includes both physical and mental health without fear of receiving unfair treatment, leading to improvement of the health and wellbeing of the Trusts workforce who have a disability.
 - (b) To raise disability awareness to the Trusts workforce.
 - (c) To provide guidance to managers on fair and effective management.
 - (d) To support the development and monitoring of the procedure to enable informative feedback to the Executive Committee.
 - (e) To support the Trusts work in challenging Stigma related to both mental and physical disabilities.

3. SCOPE

- 3.1 This policy is a trust wide and non clinical. It applies to all staff employed by Mersey Care NHS Foundation Trust.

4. DEFINITIONS

- 4.1 **Disability-** Defined by the Equality Act 2010 as '*a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities*' The Act defines long-term in this context as '*having lasted, or being likely to last for at least 12 months or the rest of the person's life. Substantial is defined as more than minor or trivial. People with cancer, HIV and multiple sclerosis are protected effectively from the point of diagnosis.*' This includes both mental and physical disabilities.

- 4.2 **Disability related sickness absence**- This includes time away from work which is due to the impact of an individual's disability and prevents them from attending work.
- 4.3 **Reasonable adjustment**- The duty to make sure that a disabled person has, as far as is reasonable, the same access to everything that is involved in getting and doing a job as a non-disabled person. An adjustment is reasonable to the extent to which it is or might be effective, practicable and acceptable to the requirements of the organisation, affordable or within the means available to the organisation.
- 4.4 **Disability Leave**- absence from work pre-agreed as a reasonable adjustment, using the agreement process within this policy, where an individual needs to be away from work due to their disability.
- 4.5 **Associative discrimination (Disability)** As stated in the Equality Act 2010 this is direct or indirect discrimination against someone because they associate with another person who possesses the protected characteristic of a disability e.g. a carer or parent of a disabled person. <http://www.equalityhumanrights.com/legal-and-policy/legal-updates/recent-developments-in-disability-discrimination-cases/the-coleman-case>
- 4.6 **Access to Work**- Access to Work (AtW) is a publicly funded employment support programme that aims to help more disabled people start or stay in work. It can provide practical and financial support for people who have a disability or long term physical or mental health condition. Support can be provided where someone needs help or adaptations beyond reasonable adjustments.(NB: this may also require part funding by the Trust)
- 4.7 **Disability Confident** - The Disability Confident government scheme is a recognition given by self and peer assessments to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees. It is represented by the Disability Confident symbol that participating organisations are authorised to display.
- 4.8 **Mindful employer charter** - Is a set of principles the Trust has signed up to, to support its commitment to improving the working lives of staff who have mental health issues.
- 4.9 **Lived Experience** – Is knowledge about the world gained through direct, first-hand involvement in everyday events. Within the mental health arena Lived experience of mental health describes people who have used or are using mental health services.

5. DUTIES

- 5.1 **Chief Executive** –Has delegated responsibility for ensuring compliance with this policy to the Executive Director of Workforce.
- 5.2 **Lead Executive Director** – (Executive Director of Workforce) has strategic responsibility to:-
1. Ensure that a robust system is in place, which will ensure compliance with the Supporting staff with mental or physical disabilities policy.
 2. Ensure that all Directors, Managers, Human Resources Business Partners, Human Resources Managers, Advisors, recruitment and occupational health staff are fully aware of the Supporting staff with mental or physical disabilities policy and are aware of their responsibilities.
- 5.3 **Human Resources have the operational responsibility to:-**
1. Support and advise managers in the use of the procedure and any issues that arise during its implementation.

2. To provide advice to recruiting managers including Disability Confidential responsibilities and this policy within recruitment training.
3. Give support to employees seeking information and support around disability issues.
4. The Human Resources Department will monitor any refusal to provide reasonable adjustments and the reasons why.
5. Manage other procedures that may arise from implementation of this procedure for example grievance procedures.
6. Work with the Equality and Human Rights Leads to provide advice and support.
7. Support Mersey Care staff at all levels in the application of this policy and procedure. This will also include providing appropriate guidance to managers to support them further in their responsibilities under this policy.
8. To ensure the delivery of the Disability Confidential government scheme and Mindful Employer.

5.4 **Equality and Human Rights Lead is responsible for :-**

1. To advise the Trust and its staff about the duties required by the Equality Act 2010 in relation to disability discrimination: eliminating discrimination and establishing equality of opportunity.
2. To include the policy and its implementation within equality and human rights training.
3. Support and advice managers and HR in the use of the procedure and any issues that arise during the implementation of the procedure.
4. To work with the recruitment team and occupational health to ensure support is provided effectively.
5. Give support to employees seeking information and support around disability issues.
6. To provide training where needed to support the implementation of the policy and the Trusts commitment to tackling discrimination and stigma.
7. To meet and maintain the Trusts Disability Confidential government scheme standards.
8. To work with workforce to deliver on the requirements within the mindful employer charter.
9. To support the Dyslexia and Dyspraxia Network and the establishment of a Disabled Staff Network .

5.5 **Line Managers are responsible for:-**

1. Ensuring that they and all staff for whom they have responsibility are aware of the policy and ensure that all staff that access the policy follow the correct procedure when requesting reasonable adjustments.
2. The implementation of this policy in their area.
3. Ensuring the sensitive, fair, and consistent treatment of staff.
4. Ensuring that all staff in their area are made aware of reporting requirements expected of them in relation to notification of disability related sickness absence or agreed disability leave to be taken.
5. Ascertaining as far as possible if a member of staff has a disability even if they have not disclosed and this can arise during a return to work discussion following sickness absence or during a professional development plan meeting.
6. For ensuring that staff are aware of the staff networks and encourage the use of this network for any disabled employees in their area.

5.6 **Employees are responsible for:-**

1. Making themselves aware of the standards and procedures within this policy and follow the correct processes to utilise the procedure with the support of their manager and the Human Resource Department.
2. Giving information and consent around their health issues in order that reasonable adjustments are able to be made.
3. Being aware that knowledge of another employees health issues is categorised under the Data Protection Act 1998 as 'sensitive personal data', must be treated as confidential and cannot be forwarded to a third party without consent.

4. Advising colleagues to disclose their health issues in order that appropriate reasonable adjustments can be discussed.

5.7 Occupational Health Department are responsible for:-

1. The Occupational Health Department will give advice to staff and managers on issues relating to health at work. This may include the assessment of likely return to work dates, any reasonable adjustments that may be made to facilitate a return to work, including phased returns for a member of staff and whether or not a member of staff is able to return to carry out the duties under their contract of employment.
2. The Occupational Health Department may also identify if counseling or any other specialist services are required to facilitate the return to work of an individual employee.
3. The Occupational Health Department will provide a copy of the occupational Health Report to the member of staff.
4. Provide information to staff about the staff networks.
5. Inform staff and managers about the policy and support its implementation.

5.8 Trade Union or Professional Bodies are responsible for:-

- 5.8.1 A Trade Union Representative or Professional Body Representative has a duty to ensure that they are aware of this procedure and the staff side requirements to provide support and guidance for Members who may require additional support at meeting with the trust and those who are involved in issues of conflict that may arise during the use of the procedure.

6. PROCESS

6.1 Recruitment:

- 6.1.1 All recruitment information will include the Disability Confident and Mindful employer information to ensure all prospective employees are aware of the support that is available for the recruitment process and as an employee.
- 6.1.2 As a Disability Confident employer prospective staff will be provided with the opportunity to indicate that they have a disability. The applicant will be afforded the appropriate steps to ensure the application, shortlisting and recruitment process provides any reasonable adjustments required to maintain equality of opportunity for prospective employees.
- 6.1.3 As a Disability Confident employer the Trust agrees to interview all disabled applicants who meet the minimum criteria for a job vacancy and to consider them on their abilities.
- 6.1.4 It is essential that the job description clearly describes what is required for the post to ensure the applicant, manager and occupational health team can ascertain any reasonable adjustments that may be required by the post holder.
- 6.1.5 On recruitment the staff member and their manager will meet to complete the supportive wellbeing process required by this policy. This is to address any reasonable adjustments that may need to be put in place and to begin the supportive process required by Disability Confident to meet at a minimum of once per year specifically to discuss issues related to how the Trust can continue to ensure equality of opportunity and experience for the member of staff.

6.2 Occupational Health

- 6.2.1 The occupational Health department may meet with the staff member as a part of the pre-employment process. This contact should include informing the prospective employee and the manager of the requirement to complete the Supportive Disability and Wellness Planning agreement and include the practical application of any advice provided to support the employee into their new role.

6.2.2 The Disability Confident government scheme and good practice requires managers and staff members to meet at least once per year to discuss any issues related to disability, reasonable adjustment and the impact of any actual or perceived discrimination - the workplace.

6.3 Supporting Staff in employment

6.3.1 Staff already in employment may disclose that they have developed a disability or that they have had a disability for some time. Some employees may not have disclosed their disability before as it may not have interfered with their ability to do their job but may now find it is impacting on their performance. A manager may discover when conducting a performance management review or dealing with an unacceptable attendance record that the employee has a disability, knowingly or not.

6.3.2 All managers must, when it is known that an employee has a disability, complete with the member of staff the process and documentation of the Supportive Disability and Wellness Planning agreement (appendix 1) and an electronic copy should be returned to HR to be attached to the staff members electronic staff record.

6.3.3 It is the manager's responsibility to ensure that where a member of staff transfers to a new department, that any disability related reasonable adjustments and attendance information transfers with them.

6.3.4 If the employee does not feel they require any reasonable adjustments to be in place, the Supportive Disability and Wellness Planning agreement should be completed by the manager with the employee. This will evidence the conversation and have an agreed plan in relation to the on going contact to discuss the wellbeing of the individual. This should be at a minimum of once per year as required for all disabled staff as a part of the Disability Confident government scheme.

6.3.5 Should the employee and the manager have concerns about the employee's ability to do the job and reasonable adjustments are required, the form should be completed and if necessary, with the employee's permission, assessments sought from:-

- Other health professionals such as Specialists and General Practitioners.
- Occupational Health.
- The Shaw Trust
- Health and Safety professionals.

The referral for Access to Work needs to be made by the employee should this be required.

6.3.6 The manager will collate the outcomes of the assessments including where appropriate a copy of the Access to Work report, which will be provided by the employee. A discussion will follow between the manager and the employee to ascertain what reasonable adjustments could be made to support the employee to do their job and which do not compromise health and safety of the employee or others.

6.3.7 The reasonable adjustments that are agreed will be entered into the Supportive Disability and Wellness Planning agreement documentation and a date will be set to review the effectiveness of the reasonable adjustments. The review must be within a 12 month period.

6.3.8 A disabled employee may find that if their disability impacts more on their ability to do their job they may need further or different reasonable adjustments. If the employee finds that their disability impacts less on their ability to do their job then reasonable adjustments may be reviewed and amended.

6.3.9 In the event of not agreeing reasonable adjustments the manager must inform the employee in writing of the decision and the reasons for making it. If the disabled employee feels they are being treated unfairly they may use the appeal process (appendix 2). A meeting to discuss the decision and the appeal will take place between the next level line manager, Human Resources, the

Equality and Human Rights Lead and the employee who will be advised of their right to bring along a staff side representative or work colleague. If the appeal is unsuccessful then the employee may use the Mersey Care NHS Foundation Trust early resolution policy and procedure.

6.3.10 Throughout this procedure the Human Resources Department and the Equality Team will be able to give advice and guidance to both employees and managers.

6.4 Support for staff with Lived Experience of Mental Ill Health

6.4.1 As a provider of mental health services Mersey Care NHS Foundation Trust it is recognised that this will include the need to provide services to its own staff. The provision of this service is expected to be delivered effectively and with recognition of the impact this may have on the staff member and their colleagues.

6.4.2 A manager and employee, as a requirement of this policy, will need to meet to complete the Supportive Disability and Wellness Planning agreement. This may include proactive discussion about the possible or actual use of the services the Trust provides.

6.4.3 The support and possible reasonable adjustments may include discussion re any process agreed with the staff member about possible arrangements with their G.P to access other mental health in services provided if this is felt necessary.

6.4.4 The formulation of the Supportive Disability and Wellness Planning agreement should include a discussion about the impact, actual or perceived discrimination the person may experience in the work place. It should also include a specific agreement about maintaining the staff member's confidentiality within the Trust patient information systems.

6.4.5 The Trust, its managers and staff should ensure that they take every opportunity to challenge the stigma and tackle any discrimination experienced by the staff member because of their mental health issues.

Managers should notify staff members and support them to be able to attend the support provided by any of the staff networks.

6.5 Managing Attendance and Disability Leave

6.5.1 All managers must ensure that accurate and comprehensive records of disability related sickness absence are kept for their area of responsibility. These records should include date(s), reasons and types of absence - it is not acceptable to record reason for absence as unspecified or unknown. Such record keeping will ensure that patterns and trends of sickness absence are identified. Staff have the right to access their records in line with the Data Protection Act (1998).

6.5.2 In cases of disability related sickness absence, the manager must maintain regular contact with the employee in accordance with the agreed Supportive Disability and Wellness Planning agreement to ensure appropriate support continues to be provided. Managers must maintain a written record of any contact made. Staff side representatives and Human Resources staff may have a role in facilitating this

6.5.3 If a member of staff reports a disability related absence to anyone other than their line manager, the manager (or their nominated deputy) must telephone the employee to enquire as to their wellbeing, to determine the reason for absence and in order to assist in planning operational cover.

6.5.4 It is a manager's responsibility to refer employees with either long-term or short term sickness absence to the Occupational Health Department in accordance with the timescales outlined in this procedure. Managers must always advise the individual of their intention to refer to the Occupational Health Department, together with the reasons and ensure their staff understands that they can have a copy of any subsequent reports if they wish to do so.

6.5.5 It is the manager's responsibility to ensure that when an employee returns from any period of disability related sickness absence or agreed disability leave that this is recorded on:

Electronic Staff Record (ESR), where manager has self service access,

Where disability leave is authorised, this should be recorded using the Special Increasing Balance absence type with a suitable reason appended

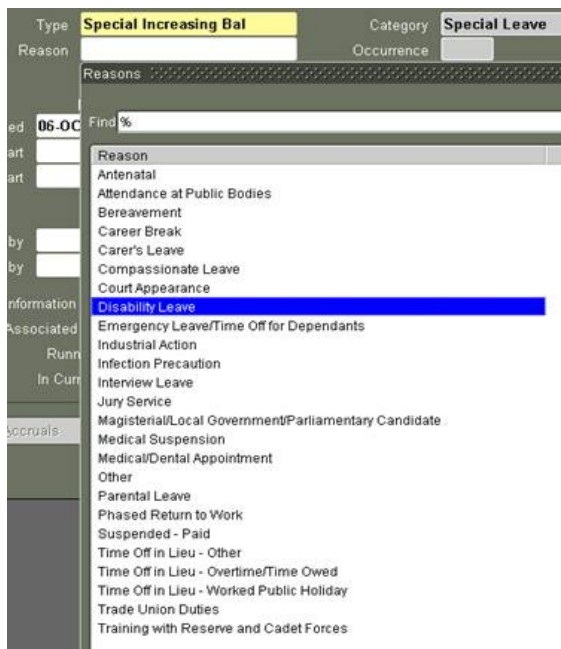


Fig 1

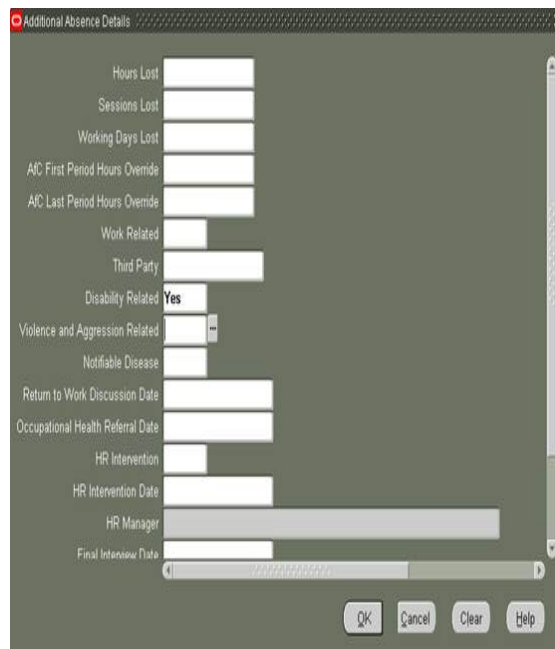


Fig 2

6.5.6 Where, as a reasonable adjustment, an agreed level of paid disability leave per annum has been negotiated on an individual basis, as an expected or tolerated level of leave required to manage their disability, then the absence type Special Decreasing Balance would be used instead of Increasing.

- ESR summary sheet which must be forwarded to the Transact team.
- Recorded on the monthly Staff Variation Lists. The code of DL would be entered into the absence type, the provided code entered in the reason column and the length of time will also be recorded
- If this period of time is for a number of hours this can be recorded within the absence process below (fig 3) for the number of hours taken to enable a record to be made.

Figure 3

DAY	F	S	S	M	T	W	T	F	S	S	M
DATE	1	2	3	4	5	6	7	8	9	10	11
Type						DL	DL				
Reason						S14	S14				
Hours				7:5	7:5	7:5	7:5	7:5			

6.5.7 In cases of disability related sickness absence, the employee must maintain regular contact with the manager in accordance with the agreed to ensure appropriate support continues to be provided. Staff side representatives and Human Resources staff may have a role in facilitating this.

- 6.5.8 Staff must understand that attendance at the Occupational Health Department is a requirement of their employment when referred by their manager. A condition of the payment of sick pay is that staff must be available to attend allocated Occupational Health appointments. Every effort should be made to attend the allocated appointment. If circumstances mean that an appointment cannot be kept, the member of staff must notify the Occupational Health Department directly at the earliest opportunity, so that an alternative appointment can be made. The member of staff must also inform their manager of their reasons for non-attendance.
- 6.5.9 Whilst the Trust is committed to supporting employees who are disabled it will need to continue to effectively manage sickness absence and will continue to do so under the Management of Attendance Policy (HR07). As stated in the Management of Attendance Policy all managers must ensure that accurate and comprehensive records of sickness absence are kept for their area of responsibility. These records should include date(s), reasons and types of absence - it is not acceptable to record reason for absence as unspecified or unknown. Such record keeping will ensure that patterns and trends of sickness absence are identified. Staff have the right to access their records in line with the Data Protection Act (1998).
- 6.5.10 An employee whose sickness absence is due to disability must adhere to the procedure under the Management of Attendance Policy by providing self certification notes obtainable from the Mersey Care NHS Foundation Trust web site and Fit Notes obtained from a General Practitioner.
- 6.5.11 In accordance with the Management of Attendance Policy a return to work discussion must take place between the employee and the manager following every absence and a return to work form must be completed. This will provide the option of disclosing the absence was due to a disability. The Manager will record on the electronic absence summary sheet the appropriate code if the sickness absence was due to disability.
- 6.5.12 Disability Leave will be documented by the manager on the electronic absence summary sheet using the appropriate code under the non- sickness absence category.
- 6.5.13 In line with the Management of Attendance Policy the redeployment process will be used to assist people with a disability to remain employed by Mersey Care NHS Foundation Trust. Circumstances may arise when all other considerations have been exhausted which mean that an application for ill health retirement of the disabled employee is the only option.

7. CONSULTATION

- 7.1 Staff Networks
- 7.2 Human Resources
- 7.3 Union bodies
- 7.4 Occupational health
- 7.5 Resourcing.

8. TRAINING AND SUPPORT

- 8.1 Mandatory Equality and Human Rights Training will include awareness and some practical implementation discussion about this policy.
- 8.2 Recruitment training for managers will include the relevant sections of this policy
- 8.3 HR policy training and advice is available to all managers.

9. MONITORING

- 9.1 Monitoring of compliance with this policy will be undertaken by Executive Director of Workforce via the HR policy group annually.

Equality and Human Rights Analysis

Title: HR 27 Supporting Staff with Mental and/or Physical Disabilities Policy

Review Jan 2017 Review Jan 2020

Area covered: Trust wide Non Clinical Policy

What are the intended outcomes of this work?

Review Jan 2017 Jan 2020

One of the Trust Equality objectives is to set up systems to enable Mersey Care to address the proactive support needed for disabled staff. Part of that work links into a review of this policy . The policy has been renamed and has additions in relation to the review.

It will replace the Supporting Disabled Employees Policy

The general principles remain with the explicit inclusion of staff with lived experience of mental health.

The aims and objectives of this Supporting staff with mental and /or physical disabilities policy are as follows:-

(a) The intended outcome of this policy is to improve the levels of employee disclosure of disability which includes both mental and physical disability without fear of receiving unfair treatment, leading to improvement of the health and wellbeing of the Trusts workforce who have a disability.

(b) To raise disability awareness to the Trusts workforce.

(c) To provide guidance to managers on fair and effective management.

(d) To support the development and monitoring of the procedure to enable informative feedback to the Executive Committee.

(e) To support the Trusts work in challenging Stigma related to both mental and physical disabilities.

Who will be affected?

All Staff

Evidence

What evidence have you considered?

Review Jan 2017 Jan 2020

The policy

Disability inc. learning disability

Review Jan 2017 Jan 2020

The policy has included specific reference to lived experience of mental health issues as a disability .

Sex

Review Jan 2017 Jan 2020

No issues identified within discussions.

Race

Review Jan 2017 Jan 2020

No issues identified within discussions.
Age Review Jan 2017 Jan 2020 No issues identified within discussions.
Gender reassignment (including transgender) Review Jan 2017 Jan 2020 No issues identified within discussions.
Sexual orientation Review Jan 2017 Jan 2020 No issues identified within discussions.
Religion or belief Review Jan 2017 Jan 2020 No issues identified within discussions.
Pregnancy and maternity Review Jan 2017 Jan 2020 No issues identified within discussions.
Carers Review Jan 2017 Jan 2020 No issues identified within discussions.
Other identified groups Review Jan 2017 Jan 2020
Cross cutting Review Jan 2017 Jan 2020 This policy has been reviewed alongside the attendance policy to ensure issues relating to attendance due to disability are supported effectively . This is noted as a supportive development.

Human Rights	Is there an impact? How this right could be protected?
This section must not be left blank. If the Article is not engaged then this must be stated.	
Right to life (Article 2)	Review Jan 2017 Jan 2020 This article is not engaged.
Right of freedom from inhuman and degrading treatment (Article 3)	Review Jan 2017 Jan 2020 This article is not engaged.
Right to liberty (Article 5)	Review Jan 2017 Jan 2020 This article is not engaged.
Right to a fair trial (Article 6)	Review Jan 2017 Jan 2020 This policy supports a human rights based approach. There is a right to appeal and process contained in the policy.
Right to private and family life	Review Jan 2017 Jan 2020 This policy supports a human rights based

(Article 8)	approach. Takes into account the Data Protection Act 1998.
Right of freedom of religion or belief (Article 9)	This article is not engaged. Jan 2020
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	This article is not engaged. Jan 2020
Right freedom from discrimination (Article 14)	Human Rights based approach supported. Jan 2020

Engagement and involvement

Review Jan 2020 – updated by Interim Equality & Inclusion Manager

Review Jan 2017

The following staff / groups were consulted with in the development of this policy document:

1. HR representatives
2. Senior Managers
- 3 Staff Side Representatives
4. staff networks

Summary of Analysis

Eliminate discrimination, harassment and victimisation

Review Jan 2020 Jan 2017

This review has been undertaken to address equality issues in the workplace for mental and /or physical disabilities.

A monitoring process will added to the divisional equality action plans to ensure that managers are adhering to the policy.

Advance equality of opportunity

Review Jan 2020

The Trust has progressed to Disability Confident Employer

Review Jan 2017

To further promote this policy and to address equality issues for staff with disabilities including mental health the Trust is signed up to the Disability Confident commitment and 'Mindful Employer' which aims to put good practice into place to ensure employees and job applicants

who declare mental health issues receive the right level of support.

Promote good relations between groups

Review Jan 2017 Jan 2020

This policy recognises the need for staff networks and establishing good relations between staff.

What is the overall impact?

Review Jan 2017 Jan 2020

Impact intended to be positive

Addressing the impact on equalities

Review Jan 2017 Jan 2020

This policy will be subjected to monitoring.

A central recording system will be implemented to monitor the number of reasonable adjustment agreements in place across the trust.

Action planning for improvement

Review Jan 2017 Jan 2020

See action plan below.

For the record

Name of persons who carried out this assessment (Min of 3):

Review Jan 2020 Andrea Smith Interim Equality & Inclusion Manager

Review Jan 2017

Meryl Cuzak Trust Equality and Human Rights Lead

Kathleen Murphy HR Officer

George Sullivan Equality and Human Rights Advisor

Date assessment completed:

19.01 .2017 29.01.2020

Name of responsible Director: Executive Director of Workforce .

Date assessment was signed: January 2017

Action plan template

Category	Actions	Target date	Person responsible and their Directorate
Monitoring, evaluating and reviewing	<p>Add to the Divisional Equality and Human Rights Action plans.</p> <p>Objective to look at developing a monitoring process looking at how many staff are using the policy- within workforce action plan.</p> <p>Also to ensure that all disabled employees have a review/plan in place.</p>	March 2020	Divisional Equality Leads
Transparency (including publication)	<p>A copy of this equality and human rights analysis to be attached to the Policy on the Trust website.</p> <p>All staff and managers across the Trust to be made aware of the policy via communications.</p>	March 2020	Trust Board secretary Equality Lead

Supportive Disability and Wellness Planning Guidance

This is a record of the supportive discussions and or reasonable adjustments agreed between an employee, their manager and the Trust.

The aim of this agreement is to ensure an open dialogue between the employee and their manager to work together to co-develop a personalised action plan to proactively support people's mental and/or physical disability, health and wellbeing. This process enables people to remain in work with developed tailored support as required.

It aims to support an open dialogue that recognises that both mental and physical disability can fluctuate and change, it will reflect on the causes of deterioration. It supports the process of co-production and ownership of practical steps to help.

The plan should address the following:

- Ensure that both parties, the individual and the employer, have an accurate record of what has been agreed.
- Describe and document symptoms, early warning signs and triggers for poor mental health and stress
- Describe actions and behaviours that support the person's, physical disabilities mental health and wellbeing.
- Identify potential impact of poor mental health and wellbeing on performance at work
- Describe what support the person needs from their manager.
- Identify positive steps the person can take if they are experiencing deterioration of their health' disability and wellbeing.
- Agree a time frame to review the support measures to see if they are working.
- Eliminate the need to re-negotiate reasonable adjustments when assigned a new manager within the organisation.
- Supports the process of re-location, change of role by providing a framework to establish any reasonable adjustments that may be needed.
- Provide employees and their line managers with the basis for discussions about reasonable adjustments at future meetings.

It should be co-produced by the staff member with their manager and where appropriate, with support from a health professional, occupational health, IT specialists or Access to Work. The agreement must relate to the employees role and their workplace.

This agreement should be held confidentially in the staff member's personal file and an electronic copy submitted to HR to be attached to the electronic staff record and it should be regularly co-reviewed by the person and their manager and amended as necessary as part of the Disability Confident Employer and Mindful Employer commitment.

This documentation is a living record of reasonable adjustments agreed between a disabled employee and their line manager.

The agreement allows the employee to:-

- Explain the impact of their disability at work.
- Suggest adjustments that will make it easier to fulfil the role if required.
- Offer further information from a doctor, specialist or other expert.
- Request an assessment by occupational health, Access to Work or another expert.
- Review the effectiveness of the adjustments agreed.
- Explain any change in circumstances.
- Be reassured that the manager knows what to do if the staff member becomes unwell at work and who to contact if necessary.
- Know how and when their manager will keep in touch if absent from work because of illness or a disability related reason.

The agreement allows the line manager to:

- Understand how a particular employee's disability affects them at work.
- Explain the organisation's attendance and process to provide reasonable adjustments in the workplace
- Recognise signs that an employee might be unwell and know what the employees wishes are in these circumstances including who to contact for help.
- Know how and when to stay in touch if the employee is absent from work.
- Consider whether or not the employee needs to be referred for an assessment by an occupational health or another adviser to help both parties understand what adjustments are needed.
- Review the effectiveness of the adjustments already agreed.
- Explain any change in the employer's circumstances.

Top Tips for Managers when co-producing the Supportive Disability Procedure and Wellness Planning agreement.

When co-producing the Supportive Disability Procedure and Wellness Planning agreement, it's important to instill a sense of hope; to empower the person to take control and to open up opportunities to build resilience and find positive solutions.

Remember:

- People may have had a disability recently identified and be coming to terms with what this means to them and their life, employment etc.
- There will be practical support they can access to increase their knowledge and self management skills via national and local organisations, the educational courses on offer through our Recovery College.
- People may be experts in identifying the support or adjustment they may need and how to manage any triggers
- The agreement must be written with the person, expressing their own personal choice, reflecting their voice and their personal experience and needs.

When it comes to supporting people's wellbeing at work the following approaches and actions can be helpful:

Your Managerial Style:

- Be supportive, approachable and responsive
- Be available for regular work-related conversations and increase the frequency of supervision or catch-up time with the team member if required
- Proactively support staff to monitor their workload and encourage healthy working hours and a positive work/life balance
- Ensure you are setting realistic targets and be clear about priorities
- Tailor your management style to suit the needs of each person and task by asking your staff what support they need from you
- Use one-to ones and catch-ups to cover a wider agenda than just your employees to-do-list, including reflecting on what has gone well and what has been difficult in the past month, and forward planning together, for example by identifying upcoming pinch points, challenges and required support
- Encourage positive relationships with colleagues and provide mediation where necessary
- Provide staff with meaningful work and opportunities for personal development and growth
- Ensure people are working in an appropriate physical environment

Providing Support

- Encourage staff to talk and be open about problems they are experiencing
- Ensure confidentiality and provide an appropriate place for confidential conversations
- When talking about a person's physical disability and/or mental health and wellbeing, listen, be respectful and do not make assumptions
- Be positive – focus on what people can do, rather than what they can't, providing training, mentoring or coaching if there are skills gaps
- Work together and involve people in co-creating the solutions as much as possible
- Support people to develop personal resilience and coping strategies
- Involve people in dialogue and decision-making and remember that people are often the expert when it comes to identifying the support or reasonable adjustment they need and how to manage their triggers for poor mental health and wellbeing
- Encourage people to seek further advice and support and seek advice and support yourself.

Supportive Disability and Wellness Planning Agreement.

Name of Employee
Name of Manager
Date

1. What support is required for you to work effectively in your role?
What impact does your disability have on your role?

2. What can your manager do to support you to work effectively in your role?

3. Are there any aspects/situations at work/within your role that can exacerbate or trigger poor mental wellbeing or have an impact on your physical disability? (For example: conflict at work, organisational change, shift patterns etc...)

4. How might this impact on you and your work? (For example: find it difficult to make decisions, hard to prioritise work tasks etc...)

5. Are there any early warning signs that you/we might notice when you are starting to feel stressed/mentally unwell?

Are there any early warning signs that you/we might notice when issues related to your disability have a greater impact for you and your work? (For example: changes in normal working patterns, withdrawing from colleagues, fatigue etc...)

If we notice early warning signs– what should we do? (For example: talk to you discreetly about it, contact someone that you have asked to be contacted etc...).

(Contact details for people that we agree can be contacted to be to be included on personal details form below)

6. What support/reasonable adjustments could be put in place to minimize triggers or to support you to manage this? (For example: extra catch-up time with your manager etc...)

7. Do we need to get support from other professionals, access to work or agencies such as Dyslexia association for specific assessments?

8. What steps can you take if there is difficulty relating to your mental health or physical disability at work? (For example: take a break from your desk and go for a short walk, ask your line manager for support etc...).

9. To be completed by manager once the supportive discussion has been undertaken and agreement has been made.

Date agreement Commenced:
Description of disadvantage experienced by the employee and nature of adjustment requested
Advice sought:-. occupational health adviser, GP, Specialist, and Access to Work? If so, please attach a copy of the advice /assessment or provide a date by when this is expected.
How effective will the adjustment be in preventing the disadvantage?
Detail issues relating to reasonable adjustments agreed? For example: how long will it take to implement the adjustment: will additional training be needed for the staff member or anyone else?

Financial/ other costs of the reasonable adjustment?
Is financial or other assistance available to help make a reasonable adjustment/s, i.e. Access to Work?
What effect, if any, will the reasonable adjustment have on other employees?
Would making the particular reasonable adjustment result in unacceptable risks to the health and safety of any person (including the staff member themselves)?
Any other relevant factors:

Line Managers Recommendations:
Detail final reasonable adjustments agreed
Detail final reasonable adjustments discussed but not agreed
Has the staff member been advised that they may appeal the decision not to agree any requested adjustments discussed? (appendix 3)

Staff Member Signed :
Manager Signed:
Date:

Emergency contacts

If I am not well enough to be at work I am happy for my line manager to contact any of the following emergency contacts in the order of preference indicated below

Please add, amend or delete types of contacts as appropriate

GP (preference X)	Care co-ordinator (preference X)
Name: Surgery: Telephone: Address:	Name: Telephone: Mobile: Address:
Relative (preference X)	Specialist (preference X)
Name: Relation to me: Telephone: Mobile: Address:	Name: Telephone: Mobile: Address:
Friend (preference X)	Other (preference X)
Name: Telephone: Mobile: Address:	Name: Telephone: Mobile: Address:

I will let you know if there are changes to my condition which have an effect on my work and/or if the agreed adjustments are not working. We will then meet privately to discuss any further reasonable adjustments or changes that should be made.

If you notice a change in my performance at work or feel these reasonable adjustments are not working I would be happy to meet you privately to discuss what needs to be done.

Keeping in touch

If you are absent from work on sick leave or for a reason relating to your disability for more than [INSERT AGREED NUMBER] days and have followed the usual procedures for notifying the organisation of your absence I will keep in contact with you in the following way:

Who will contact whom?
How will contact be made? (email, telephone, text, letter, Minicom)
How often? (daily, weekly, monthly)
When? (preferred day, preferred time)

Conversations while you are on sick leave

These are the topics we have agreed we will discuss while you are absent, for example;

- How you are feeling,
- What I can do to help,
- Current work,
- Planned phased return to work,
- Return to work date etc, etc.

Return to Work

When you are ready to return to work after a period of sickness or disability related absence, of more than (INSERT AGREED NUMBER) days we will meet to review this procedure. We will make any necessary amendments to the plan.

For Example:

- Current work issues
- A phased return/back to work plan
- What to tell the team
- Assessment to review existing reasonable adjustments that might be needed.

Unauthorised absences from work

If you are absent from work and have not followed the usual procedures for notifying us that you are sick or absent for a reason relating to your disability we have agreed that I will do the following:

For example;

- Try to contact you on your mobile and/or notify your emergency contact whose up to date details are as follows:

An up to date copy of this form will be retained by employee/line manager/HR.

A copy of this form may also be given to a new or prospective line manager with the prior consent of the employee.

Employee signature:

Date:

Employer signature:

Date:

Mersey Care NHS Foundation Trust Supportive Disability Procedure and Wellness Planning agreement.

Appeal Form (to be completed by employee)

The Appeal Process

If your Manager turns down your request for reasonable adjustment(s), you have the right to appeal against the decision. If you wish to appeal, you must complete this form. You must state on what grounds you are appealing and why you feel that the decision to reject your application was unfair. This form must be completed and returned to your Manager within 7 days after you received written notice of the rejection. Your manager will arrange a meeting with you, a next level manager and a representative of Human Resources to discuss your appeal. At this meeting, you may be accompanied by a Trade Union Representative or workplace colleague.

Note for Managers

This is a formal appeal in accordance with the Trust's Supporting Disabled Employees Policy and Procedure. You have 14 days following your receipt of this form in which to arrange a meeting with the member of staff to discuss their appeal. Please note that the member of staff may wish to be accompanied at this meeting by a Trade Union Representative or workplace colleague.

I wish to appeal against the decision to refuse my application for reasonable adjustment(s). I am appealing on the following grounds :

Signed :

Date :

**Mersey Care Foundation NHS Trust
Supportive Disability Procedure and Wellness Planning agreement.**

Response following Appeal (to be completed by Next Line Manager)

Following our meeting on:

I have considered your appeal against the decision to refuse your application for reasonable adjustment(s).

Appeal Upheld

- I accept your appeal and I am therefore able to accommodate your request to for reasonable adjustments. The reasonable adjustments agree are :

Your new working arrangement will begin from (Date)

- This is arrangement will be reviewed regularly with you by your line manager.

OR

- As we agreed, this is a temporary arrangement for the following reason(s) :

Appeal Refused

- I am sorry but I must reject your appeal for the following reasons and will inform the Equality and Human Rights Lead of the decision.

Signed :

Date :