

CHECKLIST – POINTS TO CONSIDER WHEN INTRODUCING A MENTAL HEALTH POLICY

Poor mental health now appears to be a widespread problem with over one in two employees affected in their current workplace, according to research published by the mental health charity, Mind.

Introducing a mental health at work policy or plan is widely considered as a first step towards better mental health at work and recommended as a 'core standard' for all employers in the Government's independent review of mental health, "Thriving at Work".

Customise your own policy

This Make UK checklist sets out a number of operational and drafting points for you to consider when creating your own mental health policy. There is no 'one size fits all'. It's important to take into account the particular characteristics and culture of your organisation. Our checklist is designed to help you create a customised policy which meets the specific needs of your workforce.

1. Preparatory steps

- **Do your research:** To ensure that your mental health policy is effective and targets the actual problems faced by your workforce, it must be based on sound employee feedback and consultation. This can be carried out in a variety of ways, including: employee surveys; consultation with focus groups, employee representatives and trade unions; and careful analysis of sickness absence records, exit interviews and staff turnover.
- **Obtain senior management buy-in:** Encourage senior leadership to take ownership of the mental health agenda and demonstrate why it matters. This will assist with securing financial and moral investment. Having senior leaders speak openly about mental health can also help to convince employees that mental and physical health are equally important and remove the stigma often attached to mental illness.
- **Consider return on investment (ROI) as well as overall cost when setting a budget:** Realistically, investment in mental wellbeing will usually involve setting a budget. However, it's worth factoring in not just the baseline cost of your mental health policy and associated measures, but also the return per pound spent or the ROI. In one study, improving mental health in the workplace yielded an average return of £4.20 for every £1 invested.

2. Scope and definitions

- **Make a commitment:** Start your policy with a clear commitment statement that mental health matters and that the organisation will work to promote good mental health.

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Consider incorporating the “Thriving at Work” ten year vision of ensuring that all employees have “good work” which contributes positively to their mental health. Agreeing to sign the “Time to Change Employer Pledge”, which aims to shift how mental health is viewed at work, would also add credibility.

- **Set the scope:** Explain who the policy applies to and set out its legal status. Ordinarily, this type of employment policy should have discretionary rather than contractual status, allowing you the flexibility to make changes to the policy as required.
- **Describe the roles of different stakeholders:** It is important that everybody in the workforce is clear as to their responsibilities to ensure effective operation and signposting for assistance. This might include the different roles of senior management, HR, occupational health providers, health and safety managers, Mental Health First Aiders (MHFAs) or mental health champions, employee representatives and trade unions, line managers and employees.
- **Define key terms:** To aid employees’ understanding, set out clear definitions of what is meant by key policy terms such as mental health, stress and disability. Give examples ranging from common conditions (e.g. depression and anxiety) to more unusual or complex illnesses (e.g. schizophrenia and bi-polar disorder).

3. Compliance with legal obligations and recommended standards

- **Refer to the Equality Act 2010:** Make it clear in your policy that mental health problems can sometimes amount to a disability which is protected under the Equality Act 2010. Under the Act, individuals with a qualifying disability are protected against unfavourable treatment and their employer may have legal duty to make reasonable adjustments (e.g. changes to hours or duties) to accommodate their disability at work. It is good practice to consider making adjustments for employees with mental health problems which are not obvious disabilities (or which could be “hidden disabilities”) and, if this is something that you do, you could refer to this in your policy.
- **Incorporate health and safety obligations:** Health and safety law places employers under a duty to take reasonable care to ensure the safety of their employees at work (which extends to mental as well as physical health). There is also a legal duty to assess the risk of stress-related poor mental health at work. Setting out measures in your policy to protect against mental illness at work; detailing your risk assessment process; and incorporating the Health and Safety Executive’s Management Standards for managing work-related stress will help to facilitate compliance with health and safety laws.
- **Incorporate the Thriving at Work mental health standards:** This independent review of mental health commissioned by the Government in 2017 sets out mental health standards for employers which are based on best practice guidance. Six “core standards” are applicable to all employers and a further four “enhanced standards”, which go beyond the basic core recommendations, are aimed at public sector employers and

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private sector companies with more than 500 employees.

- ***Be aware of liabilities related to bullying and harassment:*** Work-related bullying or harassment which triggers an employee's mental illness or psychiatric injury can lead to liability under an employer's implied duty of trust and confidence (and, in some cases, also under the Protection from Harassment Act 1997). To reduce risks, ensure that you have a robust anti-bullying and harassment policy in place and that this is clearly signposted in your mental health policy along with any other relevant support mechanisms.

4. Disclosure of mental ill-health

- ***Encourage openness regarding mental health but beware of discriminatory questions in recruitment:*** A key aim of your mental health policy should be to encourage openness and facilitate employee disclosure of mental health problems. This will help to ensure equal treatment and access to opportunities at work (e.g. promotions) without discrimination. During the recruitment process, it is important to send a clear message (e.g. in job adverts) that you provide any reasonable support that applicants or employees with mental health problems might need to perform at their best and thrive at work. There is a danger that, in an effort to encourage openness, managers could ask job applicants discriminatory health-related questions during recruitment. S60 Equality Act prohibits health-related questions before a job offer is made (except in limited circumstances). It is also discriminatory to confine health-related questions to disabled job offer holders. Your overriding obligation is not to discriminate on the grounds of a person's disability. This should be reflected in your mental health policy and you should consider providing specialist training for those involved in recruitment to ensure that they provide an appropriate response to mental health disclosures.
- ***Provide opportunities for employees to talk about their mental health during employment:*** In order to encourage disclosure during employment, consider making provision in your policy for mentoring and buddying systems; supporting regular one-to-one catch-ups with managers; and adopting appraisal and supervision procedures which ask employees about mental wellbeing. Also consider introducing "Wellness Action Plans" (WAPs) which allow staff to identify what practical steps are required to keep them well at work or manage an existing mental health problem. WAPs record what makes a person unwell and the support required to ensure recovery. They can be introduced during induction or performance and appraisal processes to help open up the mental health dialogue with staff. These measures should help employees feel more confident to speak out about their mental health.
- ***Make it clear why disclosure is required and respect privacy restrictions:*** Although your policy should encourage disclosure, it's also important to respect individuals' privacy and observe the relevant legal restrictions. Employees should be confident that they understand how their health information will be processed by their employer and that, where appropriate, disclosures will remain confidential. Information regarding an

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individual's mental health is "special category" data under data protection law and it can only be processed lawfully if a number of safeguards have been satisfied.

5. Early intervention and signposting

- **Spot early signs of distress and initiate intervention:** Ensure that your policy helps all employees (and particularly line managers) to spot warning signs of poor mental health in themselves and others. Highlighting potential workplace triggers (e.g. long hours, unmanageable workload or job insecurity) or external triggers (e.g. family problems, menopause or bereavement) as well as early symptoms (e.g. fatigue, headaches, weight changes, distraction, anxiety, memory lapses and increased sensitivity or mistakes at work) will help raise awareness. At the same time, it is important to acknowledge that triggers and symptoms will vary from person to person. Rather than making assumptions,

it is important that your policy encourages talking to a person directly if there are any concerns.

- **Respond effectively to mental health disclosures:** Your policy should provide for line manager training on how to respond appropriately to employee disclosures. Directions on holding sensitive conversations (including appropriate questions, time and place, confidentiality requirements, etc.) will be essential. Consider training staff as Mental Health First Aiders (MHFAs) to develop expertise and raise the profile of first line response to mental health problems at work.
- **Signpost individuals to appropriate support:** Give clear information regarding sources of information and support for staff who may be suffering from mental health problems (e.g. HR, occupational health, insurance providers, GP, Employee Assistance Programme (EAP) if you have one, or charity-run support services such as the Mind Infoline).
- **Consider making adjustments:** Your policy should give examples of possible adjustments to assist those who are suffering with mental illness at work (e.g. changes to working times or hours, role adjustment, or the use of a mentor). It should also guide managers on how to respond flexibly, adapting support to suit the individual whilst taking into account what is 'reasonable' and any legal obligations that may apply (see above). Using individual WAPs (see above) can provide a sensible framework and timetable for support measures, including agreed follow-ups and review of any adjustments in place.

6. Support during mental health related absence

- **Keep in touch and manage absence proactively:** Ensure that your mental health policy works effectively alongside any absence management policy or procedure and stress the importance of regular and supportive communication during absence without applying undue pressure on an individual to return to work.

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- ***Provide support for the initial return to work:*** Proactive support will be important during the initial return to work after a period of absence for mental illness. Consider specialist training for managers in how to conduct return to work interviews with employees who may be returning to work after short or long-term sickness absence. Make provision for any adaptations or adjustments that might be necessary after careful consultation with the individual and consider what internal communications might be necessary with an individual's colleagues or team to make their return to work as smooth as possible.
- ***Give ongoing support to help prevent relapses:*** Ensure that your policy deals with the provision of ongoing support and regular catch-ups, post-return to work, with individuals who have experienced a period of absence due to poor mental health.

7. Working with external organisations, benchmarking and evaluation

- ***Consider working with external organisations who can provide additional support:*** There are various organisations which can supplement your policy with support (for employers and employees) in relation to mental health at work. In addition to paid support (e.g. occupational health or insurance service providers), consider using charity based or government backed schemes such as Mind's Infoline, or the Government's Access to Work programme (which provides advice and financial support for individuals with health problems or disabilities which impact on their job).
- ***Monitor the operation of your mental health policy and employees' wellbeing:*** To ensure that your mental health policy is operating effectively, develop ongoing mechanisms to gather regular feedback (e.g. employee surveys, staff turnover, return to work interviews and absence data) to monitor mental wellbeing and adjust your policy where necessary.
- ***Consider reporting on mental wellbeing and using external benchmarking:*** There are a number of external benchmarking organisations which can provide accreditation to help you demonstrate your commitment to improving the mental wellbeing of your workforce, e.g. the Workplace Wellbeing Charter or Mind's Workplace Wellbeing Index. You may also wish to consider publishing a voluntary report on your wellbeing activities. In November 2018, the Department for Work and Pensions published a voluntary reporting framework aimed at employers with over 250 employees (which can also be used by smaller employers) in respect of disability, mental health and wellbeing.

8. Raising awareness and reducing stigma

- ***Communicate your policy regularly and support mental wellbeing events and activities:*** Improving employees' knowledge of mental health and the assistance that your organisation can provide will help them to manage their own mental health and support their colleagues. Raise awareness of your policy and its aims through regular internal communications such as staff intranet, newsletters, noticeboards and posters and also by

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running mental wellbeing events and activities in the workplace, such as “Time to Talk Day” or “Mental Health Awareness Week”.

- ***Engage a mental health champion:*** Ensure that your policy helps to promote mental wellbeing and reduce the stigma which still surrounds mental health problems in many workplaces. To ensure that the policy doesn’t just pay lip service to reducing stigma, consider engaging someone from senior management who is willing to actively promote the policy (e.g. by sharing ‘first hand’ experience of mental illness either themselves or through guest speakers) as a mental health champion.
- ***Embed the policy aims in induction and training:*** Make sure that new joiners are aware of the policy and its aims during the induction process. Training for existing staff will also be necessary to ensure that they understand how the policy operates in practice.

Further resources

[Time to Change: Employer Pledge](http://www.time-to-change.org.uk/get-involved/get-your-workplace-involved/employer-pledge)

www.time-to-change.org.uk/get-involved/get-your-workplace-involved/employer-pledge

[Mind support helpline](http://www.mind.org.uk/information-support/helplines/)

www.mind.org.uk/information-support/helplines/

[Mind workplace-wellbeing index](http://www.mind.org.uk/workplace/workplace-wellbeing-index/)

www.mind.org.uk/workplace/workplace-wellbeing-index/

[The Workplace Wellbeing](http://www.wellbeingcharter.org.uk/)

[Charter](http://www.wellbeingcharter.org.uk/)

www.wellbeingcharter.org.uk/

[Voluntary reporting on disability, mental health and wellbeing: A framework to support employers to voluntarily report on disability, mental health and wellbeing in the workplace](http://www.gov.uk/government/publications/voluntary-reporting-on-disability-mental-health-and-wellbeing) www.gov.uk/government/publications/voluntary-reporting-on-disability-mental-health-and-wellbeing