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MAKING REASONABLE ADJUSTMENTS AT WORK FOR PEOPLE WITH MENTAL HEALTH PROBLEMS

A SOLUTIONS GUIDE FROM SAMH

This guide is designed to provide straightforward information for employers on making reasonable adjustments in the workplace for people with mental health problems. It was produced in consultation with employers and with people who have experience of mental health problems while in employment. It looks at how you could go about making adjustments, why you would want to do so and where you can get help and support.

A stylized illustration of a desk setup. In the foreground, there is a laptop with a keyboard and a trackpad. To the left of the laptop, there is a potted plant with several leaves. In front of the plant, there are two pens and a pencil. The background is a solid light blue color.

WHAT IS A REASONABLE ADJUSTMENT?

If a person has a disability and is placed at a disadvantage by something that their employer or potential employer does, or something about the physical working environment, then the employer must take reasonable steps to prevent that disadvantage. In other words, they should make reasonable adjustments.

STARTING TO DISCUSS REASONABLE ADJUSTMENTS

The first step in making reasonable adjustments for someone with a mental health problem is to have an open and frank discussion. Adjustments need to be agreed between the employer and the employee or applicant. Every reasonable adjustment is unique to the individual's specific needs and abilities, and the requirements of the employer.

Some mental health problems can be episodic: a person can experience long periods when they are perfectly well, but may then experience a further episode of difficulty. The times when they are unwell will not always be the same, but there may be symptoms or issues that are common to each episode. So rather than agreeing one or more specific adjustments that will apply all the time, it may be more helpful to agree adjustments that can be implemented when they are needed, and revoked when they are not.

In order for reasonable adjustments to be constructive, they must focus on what the person can do – not on what they can't. It is also important that you do not make promises that you are unable to keep: be realistic. This section suggests areas where you could make reasonable adjustments. Not all of them will be suitable for your workplace, and it is not an exhaustive list: there may well be others that your staff would like you to consider. Remember: if you are not sure what will help someone – ask them!

A stylized, pink graphic of a laptop computer is positioned on the left side of the page, partially overlapping the text area. The laptop is shown from a slightly elevated angle, with its screen and keyboard visible.

AT THE RECRUITMENT/INDUCTION STAGE

- Adjust recruitment processes. You could provide more time for tests, assignments or interviews, allow applicants to come in early to orient themselves, and/or provide a quiet area for applicants to wait in, rather than a busy reception.
- Amend your induction. Tell your new employee about your standard induction and ask if there are any areas that might cause them difficulties. If so, could you adjust the process, without reducing its effectiveness? For example, you could offer a mentor, arrange additional support for the first few months, agree a longer induction process, and/or provide induction information in writing as well as verbally.

WORKING HOURS OR PATTERNS

- Allow variations in working hours. There are many reasons why someone might need to adjust their hours. They might need to access a service that is only available during working hours, or they might find it difficult to function in the morning, perhaps as a result of prescribed medication, but be able to work well later in the day. Just moving someone's start and finish time ahead by an hour might make all the difference to their ability to do their job well.
- Allow several short breaks instead of one main lunch break. Some people might have difficulty in concentrating for long periods: breaking up their working day differently could help.
- Permit more breaks at certain times. If someone is doing particularly stressful work, could you increase the frequency or duration of their breaks to allow them time to recover?

PHYSICAL ENVIRONMENT

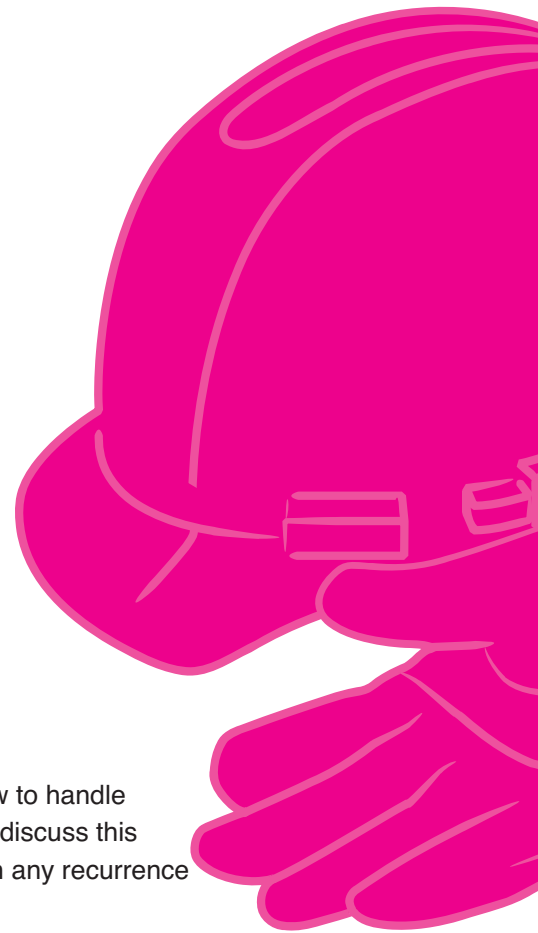
- Allow the person to change their workplace. For some people, noisy environments might adversely affect their mental health at times: could they work somewhere else?
- Ensure access to natural light and fresh air. Many people benefit from sitting near to a window, particularly if they are able to open it to allow fresh air to circulate.
- Move their workstation. Would it be helpful to be based in another position – eg, so their back didn't face the door?
- Provide a quiet space for breaks. A quiet place away from the main workspace is helpful for many people.

SAMH can provide advice or training on reasonable adjustments for people with mental health problems. For further information contact us at:

SAMH, Cumbrae House, 15 Carlton Court, Glasgow G5 9JP Tel: 0141 568 7000

Email: enquire@samh.org.uk www.samh.org.uk

WORKING PRACTICES



- Agree an “advance plan”. You might be unsure about how to handle changes in an employee’s mental health. It could help to discuss this when the person is well, and agree how you will deal with any recurrence of mental health problems.
- Agree changes to communication methods. For some people, there may be times when it is hard to communicate face-to-face. At these times, you could agree that they can communicate by email, or work from home.
- Allow changes to tasks when needed. When a person is unwell or has just returned from a period of absence, it may be helpful for them to focus on a particular type of task. Could they swap some tasks with a colleague, or work to a different job description for a time? This can help to rebuild confidence.
- Provide more support when needed. Many employers already require regular meetings between line managers and staff. If you don’t, you could consider introducing them as an adjustment, and if you do, it might be helpful to increase the frequency of these meetings at certain times. Sometimes all that’s needed is time to talk things through.
- Implement a “buddying” system. Some employees might find it helpful to have a “buddy”, coach or mentor for a time, to provide advice, guidance or support.
- Agree an “early warning” system. Some people might want to ask a specific colleague to alert them if their behaviour starts to change in a way that suggests their mental health is deteriorating. This can identify triggers for pre-agreed adjustments to be put in place.
- Allow the use of headphones. This can help people who have difficulty concentrating or who sometimes hear voices.

OTHER USEFUL ACTIONS

- Provide training for managers. Managers need to know that they can make reasonable adjustments, and be familiar with their company's policy on the area. Training can help them to know when they can negotiate a reasonable adjustment directly with an employee, and when they need to involve the HR department or more senior staff.
- Train your staff in mental health awareness. This might help them both to deal constructively with colleagues who may be experiencing mental health problems, and to recognise issues with their own mental health at an early stage.
- Communicate your policies to staff. It is important to make clear that reasonable adjustments are not about unfair advantages or favouritism, but are a way of removing barriers preventing people with disabilities from making a full contribution in the workplace – or sometimes from contributing at all.
- Let staff know it's okay to talk about mental health. There is still a lot of stigma around mental health problems, which may make staff reluctant to tell someone they need an adjustment. Set out clearly what will happen when someone discloses a mental health problem.
- Be clear about what you need to know. Staff should not feel they have to disclose every aspect of their mental health problem. Your discussions should focus on the problems they are experiencing in the workplace, and what actions can be taken to address them.
- Tell those who need to know about adjustments. When you make a reasonable adjustment for someone, do inform any staff who need to know about it. This does not mean that you need to tell other staff about the person's disability: you just need to ensure they know about the arrangement, so that they do not prevent reasonable adjustments from working in practice.

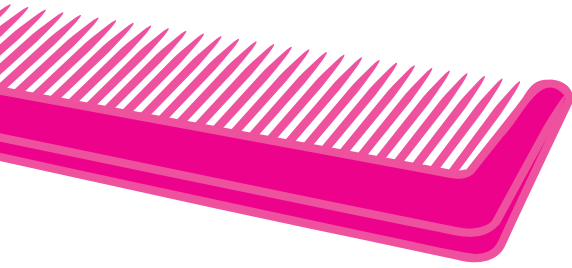


CREATING A MENTALLY HEALTHY WORKPLACE

Of course, you don't have to wait until an employee needs a reasonable adjustment to start making your workplace more mentally healthy. You might choose to make reasonable adjustments in the context of a focus on the mental health and well-being of all employees, perhaps by offering some of the adjustments suggested in this guidance to all staff. As well as being good practice, this could also be a step towards a Healthy Working Lives award. Once you have achieved a Bronze award, you can work towards the Mental Health Commendation award.

WHAT IF THINGS GO WRONG?

Some employers find it difficult to know how to react when a member of staff who has a mental health problem is underperforming. If this is due to the person's mental health problem, then the correct way to deal with this is by negotiating reasonable adjustments to the person's work or environment. However, neither the DDA nor any other piece of legislation requires you to accept behaviour that is inappropriate if you would not accept it from an employee who did not have a disability. People with mental health problems are entitled to equal, not special, treatment. This means that you should not feel afraid to use your disciplinary process if required. However, it would be good practice to have a range of outcomes available from this process, such as counselling, support, referral to an occupational health specialist etc, as well as the more usual system of warnings.



WHY SHOULD I?

1. IT'S THE LAW

The Disability Discrimination Act introduced a requirement for employers to make reasonable adjustments for people with disabilities, to enable them to do their jobs. The Act says that a person is disabled if:

- they have a mental or physical impairment
- this has substantial long-term adverse effects on their normal day-to-day activities

If you have five or more employees, you should also be aware of your duty to conduct risk assessments. You can download the Health and Safety Executive's Five Steps to Risk Assessment from www.hse.gov.uk.

2. IT CAN HELP YOUR BUSINESS

Research commissioned by SAMH found that in 2004/05, sickness absence due to mental health problems involved a cost of almost £360 million to Scotland's employers.¹ Making reasonable adjustments doesn't have to be expensive: the Disability Rights Commission found that most adjustments cost nothing, and the average cost is £75². Where costs are incurred, you may be able to get a grant from Jobcentre Plus's Access to Work scheme to cover them.

Making a few small changes to enable a member of staff to continue doing their job is far less expensive than having to recruit and train a new person. It also ensures that the company retains the employee's knowledge and skills. One in four of us will experience a mental health problem at some point, so this is an issue that affects all employers.

3. IT'S THE RIGHT THING TO DO

We know that most people with mental health problems do want to work. But we also know that people with serious mental health problems have the lowest employment rate of any group of people with disabilities, with 79% not in employment³. There are a number of reasons for this, including stigma and misunderstanding, an inflexible benefits system, and a lack of available training and learning to support people into work. Evidence suggests that the right work in the right environment can be beneficial for mental health, and can help people's recovery.⁴

Work is a key part of life, and our self-esteem is inextricably tied up with our ability to earn a living. It is wrong to deny people the opportunity to do so.

REFERENCES

- 1 What's it Worth, SAMH, 2006
- 2 Disability Rights Commission, Top Tips for Small Employers
- 3 Disability and Employment in Scotland: review of evidence base (Scottish Executive 2005)
- 4 Is Work Good for your Health and Well-Being? Prof Gordon Waddell and A. Kim Burton, 2006

WHERE CAN I GET HELP AND ADVICE?

Contact SAMH for general advice on making reasonable adjustments or for details of our Workstep programmes, which work with employers to help people with mental health problems back into work or to stay in employment.

The following organisations and resources may also be helpful.

BUSINESS GATEWAY

Provides advice on legislation and employer responsibilities as well as stress management.

www.bgateway.com

CHARTERED INSTITUTE OF PERSONNEL AND DEVELOPMENT

Guidance on developing a mental health policy and creating a mentally healthy workplace.

www.cipd.co.uk

COMMISSION FOR EQUALITY AND HUMAN RIGHTS

Provides advice and guidance to businesses on equality issues and incorporates responsibilities previously held by Disability Rights Commission. www.cehr.org.uk

EMPLOYER'S FORUM

Disability Membership organisation providing guidance and support in employing people with a disability. www.employers-forum.co.uk

JOBCENTRE PLUS

Administers the Access to Work scheme which can provide practical and financial support in addressing barriers to work for disabled people. Contact the Disability Employment Adviser at your local Jobcentre for advice. www.jobcentreplus.gov.uk

MINDOUT – A LINE MANAGER'S RESOURCE

A Practical Guide to Managing Mental Health in the Workplace. www.mindfulemployer.net

HEALTHY WORKING LIVES

Healthy Working Lives awards can be gained at bronze, silver and gold levels, and are awarded to employers who can demonstrate that they meet the criteria. www.healthscotland.org.uk/hwl/

SEE ME

Scotland's campaign against the stigma associated with mental health problems. Can provide material to display in the workplace. www.seemescotland.org.uk

SAMH would like to thank all of the individuals and organisations who contributed to the development of this guide.



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