

MENTAL HEALTH AND WELLBEING POLICY

Date policy adopted: 01/06/2021

Review period: Ad hoc when a change to legislation or ESC process requires it and at least every three years

Date of last review: 27/06/2024

Date of next review: 30/06/2027

1. Purpose and Scope

The Commissioner (ESC) is committed to providing a safe and healthy working environment and aims to support all employees as far as reasonably practicable to achieve and maintain a positive state of mental health and wellbeing.

This policy applies to all employees regardless of working pattern or nature of employment contract. It will not apply to others carrying out work on behalf of ESC (agency staff, contractors etc) who will be governed by the contract under which they have been employed or contracted.

2. Policy Statement

In accordance with its responsibilities under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, the ESC will take all reasonable steps to minimise the danger of workplace factors creating or exacerbating mental health difficulties. This will be done through increasing understanding and awareness; assessing work related risks; and addressing promptly any issues which are identified as potential hazards to health and wellbeing. Although clearly not within its control, the ESC will also deal sensitively with any personal pressures which may impact on an employee's work.

The ESC recognises that some employees may experience or have a history of a longer-term or recurring mental health condition which could be considered a disability in accordance with the Equalities Act 2010. To support employees in this position, the ESC will provide reasonable and practicable workplace adjustments which help to remove or reduce any substantial disadvantage. Professional advice and guidance may be sought as to how best to accommodate individual circumstances.

The ESC will not tolerate victimisation, harassment or unlawful discrimination against any employee or applicant for employment in relation to mental health. A disciplinary sanction, up to and including dismissal, may result.

3. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with ESC. Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or a change to the

ESC policy position requires it and at least every three years. The policy will be made available to the general public.

4. Work-Related Mental Health Difficulties

The mental health difficulty most commonly regarded as potentially work-related is stress. The Health and Safety Executive defines stress as

“the adverse reaction people have to excessive pressures or other types of demand placed on them”.

There is an important distinction between the beneficial effects of reasonable pressure and challenge which can be motivating and stimulating and stress which can be detrimental to health.

Many factors both inside and outside the workplace can lead to stress. Stress can affect people mentally (anxiety and depression) and physically (heart disease, back pain, alcohol and drug dependency). ESC will take all reasonable steps to ensure that the health of employees is not placed at risk through the way in which work is organised; the way in which people deal with each other; and the daily demands placed upon them. It will promote awareness of the symptoms of stress and encourage employees to report concerns promptly and will provide managers and employees with training on how to recognise and manage stress.

5. Senior Management team commitment

The senior management team commits to implement this policy by:

- Regularly reviewing and update HR policies to ensure aspects of mental health awareness and wellness are covered.
- Utilising a wellness action plan when concerns are raised by an employee about their mental health
- Including section in the annual report (alongside details of the activity undertaken to promote equality) which outlines any activity taken in the year to support / promote mental wellbeing.
- Communicating to all employees what steps are being taken in support of good mental health and why this is important.
- Including a section in the senior management team meetings for discussing (and minimising) any risks which could result from a deterioration of mental health among employees. Including an assessment (generally, not of individuals) about the state of the mental health in the workplace incorporating any appropriate actions.
- Fostering an organisational culture of respect, open communication, involvement and participation;
- Providing a healthy and safe working environment, being particularly mindful of any employees who are working remotely and by complying with the Working Time Regulations provisions as outlined in the Working Hours and Annual Leave policy;
- Setting a clear organisational purpose and direction supported by appropriate structures, systems, policies and processes;
- Ensuring there is sufficient organisational resource (human, financial and technological) to support achievement of corporate objectives;
- Ensuring that employees are supported to complete their allocated tasks within reasonable timescales and their contracted hours;

6. Employees are expected to:

- Take personal responsibility for their own health and wellbeing;
- Report promptly to a line manager any risks in the workplace which could potentially compromise their mental health and wellbeing;
- Seek support if they are experiencing mental health difficulties and alert their line manager, particularly if they believe the difficulties relate to the workplace (including when working remotely); and
- Adhere to the ESC's policies which are in place to support them.

Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)?

This policy applies to all employees and its impact was considered when drafting. It will provide additional support to any employee who is experiencing a long term adverse impact on their day to day activities due to poor mental health. We consulted with employees prior to publication to identify and address any issues.

Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data?

The records generated by this policy will contain personal data and may contain sensitive and special category personal data. Suitable retention and destruction policies are in place to manage this material.

Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

This policy should have no impact on our cyber-resilience.

Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

Version	Description	Date	Author
1.0	First draft	01/06/21	Public Appointments Officer
1.1	Update to phone number	16/05/2023	Corporate Services Officer
1.2	Adding a policy review period and updating accessibility features	27/06/2024	Human Resources and Facilities Officer