

Reporting to:	Trust Board
Title	HR Policies
Sponsoring Director	Victoria Maher, Workforce Director
Author(s)	Bridget Chambers, HR Advisory Team Manager
Previously considered by	Exec Directors, TNCC, PAG, HEC
Executive Summary	<p>A number of policies have been recently updated in line with either legislative requirements or have come to their natural review and have been formatted in to the Trust's standard template for policies.</p> <p>HR28 Flexible Working - This has been updated to reflect the national legislative changes to include the wider workforce having the right to request flexible working. The NHS have had pre-empted this extension of rights and was included in the policy when it was first introduced. The policy has been updated with the legal definitions and also following on from the final Code of Practice Document produced by ACAS in July this year.</p> <p>HR66 Staff Counselling Service - This policy has been updated to reflect the recognition that employees may require assistance with personal matters which impact on their ability to perform in their professional work capacity and aims to assist the Trust with the reduction of absence linked to perceived stressors at home and/or at work. Employees are able to self refer to the Staff Counselling service, or can be referred by their line manager. The policy has been reformatted into the standard policy template as part of the reievw and update.</p>
Strategic Priorities	
1. Quality and Safety	<input type="checkbox"/> Reduce harm, deliver best clinical outcomes and improve patient experience through our Quality Improvement Strategy
2a) Healthcare Standards: Operational Performance Standards	<input type="checkbox"/> To develop a transition plan, with supporting mitigation actions and contingency plans, that ensures the safety and short term sustainability of challenged clinical services. 2014/15 <input type="checkbox"/> To address the existing capacity shortfall and process issues to consistently deliver national healthcare standards. 2014/15 <input type="checkbox"/> To undertake a review of all current services at specialty level to inform future service and business decisions. 2015/16
2b) Healthcare Standards: Service Reconfiguration	<input type="checkbox"/> Complete and embed the successful reconfiguration of Women and Children's services <input type="checkbox"/> Develop a sustainable long term clinical services strategy for the Trust to deliver our vision of future healthcare services through our Future Fit Programme
3. People and Innovation	<input checked="" type="checkbox"/> Develop our leaders and promote staff engagement to make our organisation a great place to work through our People Strategy <input type="checkbox"/> Develop a robust Investment Strategy to modernise our equipment and estate to support service transformation and increase productivity through the use of technology)
4 Community and Partnership	<input type="checkbox"/> Embed a customer focussed approach and improve relationships with our GPs through our Stakeholder Engagement Strategy
5 Financial Strength: Sustainable Future	<input type="checkbox"/> Develop a transition plan that ensures financial sustainability and addresses liquidity issues pending the outcome of the Future Fit Programme

Board Assurance Framework (BAF) Risks	<input type="checkbox"/> If we do not deliver safe care then patients may suffer avoidable harm and poor clinical outcomes and experience <input type="checkbox"/> If we do not implement our falls prevention strategy then patients may suffer serious injury <input type="checkbox"/> Risk to sustainability of clinical services due to potential shortages of key clinical staff <input type="checkbox"/> If we do not achieve safe and efficient patient flow and improve our processes and capacity and demand planning then we will fail the national quality and performance standards <input type="checkbox"/> If we do not have a clear clinical service vision then we may not deliver the best services to patients <input checked="" type="checkbox"/> If we do not get good levels of staff engagement to get a culture of continuous improvement then staff morale and patient outcomes may not improve <input type="checkbox"/> If we are unable to resolve our (historic) shortfall in liquidity and the structural imbalance in the Trust's Income & Expenditure position then we will not be able to fulfil our financial duties and address the modernisation of our ageing estate and equipment
Care Quality Commission (CQC) Domains	<input type="checkbox"/> Safe <input type="checkbox"/> Effective <input type="checkbox"/> Caring <input type="checkbox"/> Responsive <input checked="" type="checkbox"/> Well led
<input type="checkbox"/> Receive <input type="checkbox"/> Review <input type="checkbox"/> Note <input checked="" type="checkbox"/> Approve	Recommendation Trust Board to Approve the Policies HR28 Flexible Working and HR66 Staff Counselling Services.

Flexible Working

Human Resources Policy No: HR28

Additionally refer to:

- HR01 Equality and Diversity
- HR16 Grievances & Disputes
- HR20 Flexible Retirement
- HR27 Parental Leave
- HR37 Employment Breaks
- HR60 Job Evaluation

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Version	Date	Author	Status	Comment
1	Jan 06	Kate Tavernor	Final	Agreed by Trust board
2	Jan 10	HR Dept	Final	Agreed by Trust board
3	Feb 13	Kate Youlden	Draft	Converted to new Policy Format Minor amendments for application purposes
3.1	April 13	Kate Youlden	Draft	Updates from TNCC Policy Meeting March 2013
3.2	May 13	Kate Youlden	Final	Updates from TNCC Policy Meeting May 2013 Agreed at TNCC Meeting May 2013 – no changes
4.1	April 14	Kate Youlden	Draft	Updated as a result of legislative changes
4.2	July 14	Kate Youlden	Draft	Updated as a result of final Code of Practice Document from ACAS

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1 Policy Statement

- 1.1 This policy outlines the arrangements in place to support staff in requesting flexible working arrangements. The purpose of this document is to set out the Trust's policy, responsibilities and procedures in relation to these requests.

2 Introduction

- 2.1 The Trust is committed to providing members of staff with access to leave arrangements, which support them in balancing work responsibilities with personal commitments. This policy is one of a series of policies that make up the Trust's approach to help staff balance work and home life.
- 2.2 The Trust recognises the importance of domestic or out-of-work commitments and acknowledges that, at certain times in an employee's working life, circumstances may arise where it is appropriate to adopt flexible working arrangements. This policy sets out the arrangements within the Trust to enable all employees to request flexible working arrangements to balance their working life with non-work related commitments. It does **not** provide an automatic right for employees to work flexibly but will ensure that reasonable consideration is given to any request.
- 2.3 A flowchart detailing an overview of the process can be found in appendix A. Further information is available from the Human Resources Department.

3 Scope

- 3.1 This policy applies to all staff who are directly employed by the Trust, whether full time or part-time, permanent or temporary including those working via the Temporary Staffing Department.
- 3.2 While it is the Trust policy to consider Flexible Working requests for all eligible employees, there may be situations where precedence is given to those who have a statutory right to request flexible working, in order to ensure that the organisation complies with its legal obligations.
- 3.3 The Trust is required to consider flexible working options as part of their duty to make reasonable adjustments for disabled staff, staff with dependants, job applicants under the Equality Act and staff who are returning from maternity leave.
- 3.4 The policy does not apply to individuals employed by agencies or other contractors.
- 3.5 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality and Diversity Policy (HR01). Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak or for persons with little experience of working life.
- 3.6 Managers must respect the confidentiality of the employee at all times and not disclose any personal information to a third party, with the exception of where advice is being sought from their line manager, the HR Department or the Occupational Health Department.

4 Flexible Working Arrangements

4.1 The Trust has developed a range of working arrangements which may enable staff to work more flexibly, whilst maintaining service provision. These are explained in more detail in Appendix B. A list is given below, however, it is not exhaustive and is provided as a guide only:

<ul style="list-style-type: none">• Variable working patterns• Part-time working• Job sharing• Flexi-time• Self-rostering	<ul style="list-style-type: none">• Home working• Annualised hours• Term-time working• Employment breaks• Flexible Retirement
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4.2 Wherever possible, requests for flexible working patterns will be accommodated. However in some circumstances a manager may be unable to accept the flexible working pattern or accommodate a suitable alternative. In such circumstances, the manager must arrange to meet with the individual to discuss the request.

5 Eligibility

5.1 Flexible working arrangements may be requested by all employees at any time during their employment.

5.2 The individual will not be able to re-submit an application for the same or fundamentally similar flexible working arrangements for 12 months from the date of the original request unless there is a change in the circumstances of the individual or in their department.

6 Responsibilities of Employees

6.1 A written application should be submitted using Appendix C and wherever possible, a minimum of three months notice should be given before the proposed date of the change. Employees should provide as much detail as possible about the flexible working pattern they wish to adopt.

6.2 In making a request, the employee must give due consideration to the impact any such arrangements may have on their work, their colleagues and the service and be prepared to offer potential solutions to any problems that may be encountered.

6.3 Employees must discuss their request with their manager with the aim of reaching a mutually acceptable arrangement. Employees may be asked to offer alternatives or to compromise on their request. Whilst every effort will be made by managers to accommodate requests, there may be occasions when this is not possible.

6.4 Employees have the right to withdraw an application for flexible working at any time provided permanent arrangements have not been put into place to accommodate their request (e.g. additional hours have been offered and accepted by another employee).

6.5 Employees must ensure that they have fully understood the procedure for requesting flexible working arrangements before submitting their application form. Further advice is available from the line manager, the Human Resources Department or the Trade Union Representative.

7 Responsibilities of Managers

7.1 Managers must consider requests for flexible working arrangements, taking into account:

- the legal requirement to reasonably consider the request, where relevant
- the nature and urgency of the request
- the cost of the proposed arrangement
- the effect of the proposed arrangement on other staff
- the impact of the request on the current needs of the service
- the impact of the request on the responsibilities of the post including supervision requirements, department structure, staff resources, workload of role
- implications for lone working (for individual or other colleagues)
- the impact of any potential solutions proposed by the member of staff
- the length of time for which flexibility is required (temporary or permanent)

7.2 On receipt of a written request, managers must consider it. Managers must arrange to meet the employee as soon as possible to discuss the request (where appropriate this discussion can take place by telephone). This is an opportunity for both the manager and the employee to explore the proposed working pattern in depth and explore how it might be accommodated. If it is not possible to meet the request in full, it may be possible to agree an alternative approach that is acceptable to both parties. If the manager is able to approve the request without further discussion a meeting may not be required.

7.3 Individual can be accompanied at the meeting by their Trade Union/Professional organisation representative or by a colleague employed by the Trust if they wish. Where the person is to be represented it is the individual's responsibility to arrange this for the required time.

7.4 Managers must confirm their decision in writing as soon as possible (using Section C of Appendix C) either agreeing a new work pattern (this may include an alternative pattern that has been discussed) and a start date, or providing a clear business reason as to why the application cannot be accepted (see appendix C, section C). This form sets out the right to appeal in accordance with Section 9 of this policy.

7.5 Managers may reject an application where the desired working practices cannot be accommodated within the needs of the service. When a request is received, the manager must consider the needs of the service at that particular point in time. It is not acceptable to turn down a request on the basis that others might then request similar working arrangements. Equally, there may be sound and defensible reasons for refusing a request even though there are already flexible arrangements in place within the department for other staff members. Where a request is refused the manager must copy the completed application form to the HR Department.

7.6 Requests must be considered within a reasonable time and must be within 3 months, unless you agree to extend this period with the employee. If a meeting is arranged and an employee fails to attend this and a rearranged meeting, without good reason, the request will be considered as withdrawn

7.7 When considering advertising vacancies, managers should give consideration as to whether it is possible to accommodate flexible working arrangements.

7.8 Managers must ensure that no employee suffers any detriment or discrimination as a result of making a request for, or undertaking flexible working arrangements, and must ensure fairness and consistency in approach.

- 7.9 Where a change is agreed an ESR Change of Circumstances form must be completed by the manager and submitted to the ESR Team to notify of any changes which will impact on the individual's pay.

8 Reviewing Flexible Working Arrangements

- 8.1 The manager and the employee will jointly agree based on the individual circumstances and service needs a timescale for review. Where temporary changes have been agreed, timescales and review periods must be stated at the time flexible working arrangements are implemented and confirmed in writing by the Manager. Arrangements should be reviewed regularly to ensure that they are working satisfactorily and that any issues are raised and resolved as soon as possible.
- 8.2 Where the impact of the arrangements is unclear, a trial period can be utilised. Arrangements for this period should be set out in writing.
- 8.3 Any subsequent changes made should be subject to full consultation between the manager and employee and implemented from an agreed date. Where the review determines that it is not possible to continue the flexible working arrangements the employee will commence the standard working hours for the department from an agreed date.
- 8.4 Where flexible working arrangements are agreed at recruitment they should be automatically reviewed at 3 and 6 months to ensure they remain suitable. After that time regular reviews will be carried out as per section 7.1.
- 8.5 If the department undergoes service changes that impact upon working arrangements existing flexible arrangements may be reviewed at that time.

9 Conditions of Service

- 9.1 Where a change to working arrangements is agreed the manager should confirm in writing the changes to the individual's terms and conditions, where necessary re-issuing the Statement of Main Terms and Conditions of Employment.
- 9.2 An employee reducing their hours of work or changing their work pattern should maintain their existing conditions of service. However, in exceptional circumstances and where it has not been able to accommodate an individual's request within the same role, it may be appropriate to review the role to be undertaken in accordance with Agenda for Change Job Evaluation Criteria.
- 9.3 If the request for a flexible working pattern results in a reduction in hours, pay and annual leave entitlement will be reduced on a pro-rata basis.

10 Appeals Procedure

- 10.1 The Trust procedure includes the right to request a further meeting where the decision has been made to refuse their request for flexible working.
- 10.2 To request this meeting, the employee must write to the manager of the manager making the initial decision within 14 days of receipt of the decision (confirmed on section C of Appendix C), clearly setting out the reasons why they consider the decision to be unfair.

- 10.3 Managers may delegate responsibility for this meeting to an alternative senior Manager of equivalent or higher level of authority.
- 10.4 A meeting will be arranged as soon as possible to discuss why the employee considers the decision to be unfair. The employee may be accompanied by a Trade Union/Professional organisation representative or by a colleague employed by the Trust. The outcome of this meeting will be confirmed in writing normally within 7 calendar days of the meeting. Outcomes could include upholding the decision, agreeing the requested arrangements or implementing alternative arrangements.
- 10.5 Following this, the individual will not be able to re-submit an application for the same or fundamentally similar flexible working arrangements for 12 months from the date of the original request unless there is a change in the circumstances of the individual or in their department.

11 Training

- 11.1 Management training required to fulfil this policy will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Development and Training Support Policy (HR59).
- 11.2 This information can be accessed via the Learning Zone pages on the Trust intranet.

12 Review Process

- 12.1 The Trust will review this policy when there are changes to relevant legislation or good practice, or within the normal policy review cycle.

13 Equality Impact Assessment (EQIA)

- 13.1 This policy applies to all employees, however where a legal obligation exists precedence will be given to considering this request in order to ensure the organisation complies with its legal obligations.

14 Process for Monitoring Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Declined requests to be monitored	At policy review access and uptake of policy to be reviewed	HR Team	On policy review	TNCC
Organisations expectations in relation to staff training	Management and monitoring of training will be in accordance with the Trust's Development & Training Support (HR59) and Risk Management Training Policy			

15 References

Legislation

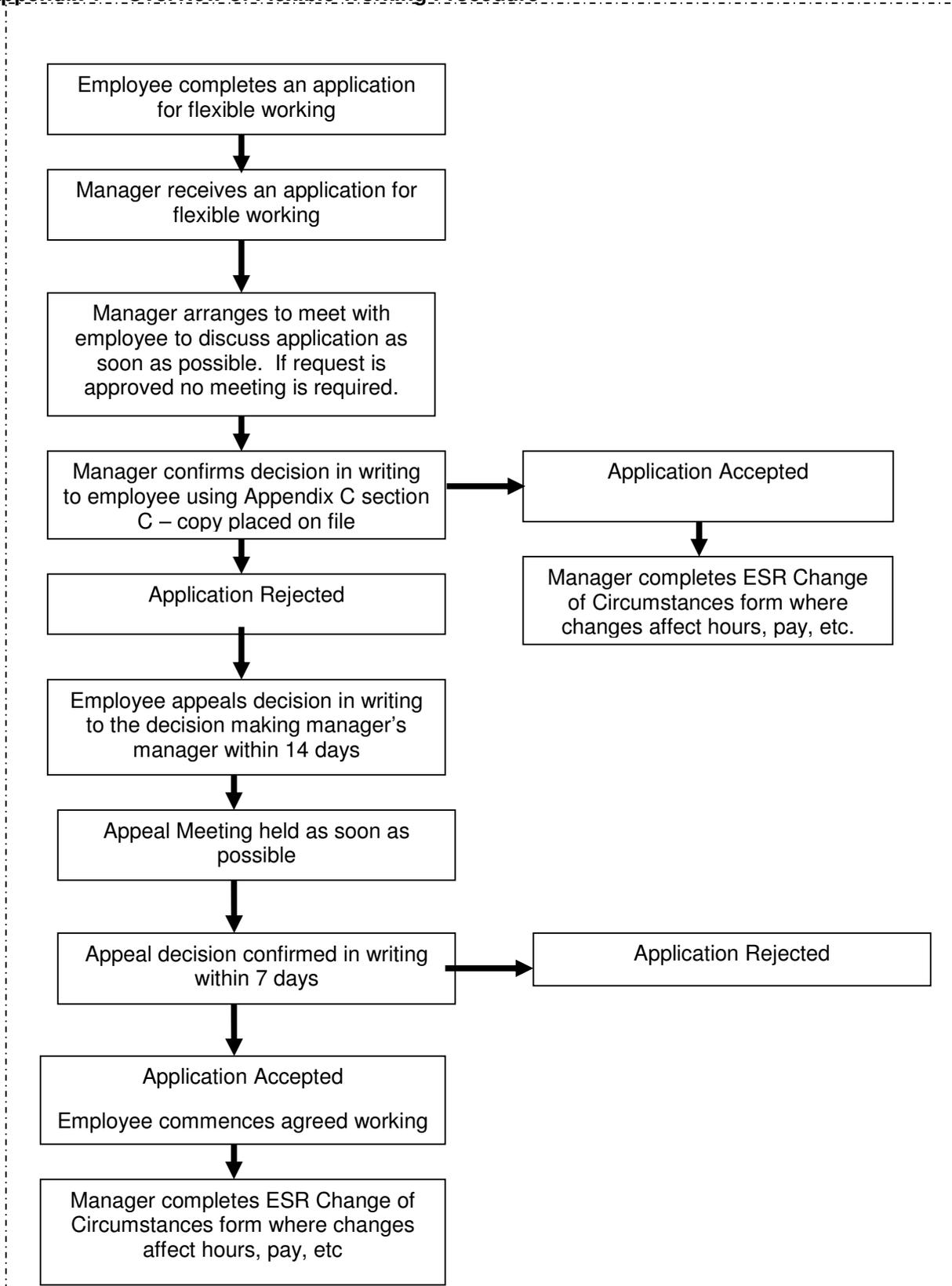
- Equality Act 2010
- Employment Rights Act 1996
- Employment Act 2002, especially section 47
- Flexible Working (Procedural Requirements) Regulations 2002

Other references

The NHS Employers Website provides further information and resources on employee's entitlements: [/www.nhsemployers.org](http://www.nhsemployers.org)

- Agenda for Change Terms and conditions Handbook. Section 34 Flexible Working Arrangements (AfC). (2011)
http://www.nhsemployers.org/SiteCollectionDocuments/AfC_tc_of_service_handbook_fb.pdf

Appendix 1 Overview of Flexible Working Procedure



Appendix B More Details About Flexible Working Practices

Part-time

Employees working less than the designated full-time hours within any particular grade or position

Job-share

A situation where two or more people share one full-time job, dividing the pay, holidays and other benefits in proportion to the number of hours they work.

Flexi-time

Employees contracted to work for a weekly or monthly number of hours who may vary their daily start and finish times as long as they work the total hours agreed for the accounting period, usually involving core-time hours.

Team-based / Employee based self-rostering

Employees who manage their own working hours within a team or individually, usually within set boundaries and in compliance with departmental/team needs.

Home Working

Employees who work from home on a regular basis for reasons of self development or work related purposes.

Annual Hours

Employees who are contracted to work an annual amount of hours rather than monthly or weekly. Employees are paid exactly the same each month but are expected to respond to peaks and troughs in work load by increasing or decreasing the hours worked when appropriate. Such a scheme is also used for allowing employees greater personal flexibility, although the needs of the organisation must always be considered.

Term-time

Employees who work for the 39 weeks of the school year. Annual holiday is pro-rated and is deemed to be taken during the 13-week non working period; salary is adjusted accordingly and paid equally over 12 months.

Shift Working

Employees working shift patterns either on a regular or rotation basis.

Long Shifts/Condensed Hours

Employees working more hours per day in order to condense working hours into fewer working days, typically working 5 days in 4 or 10 days in 9.

Employment Breaks

An employment break is a period of unpaid time out from the workplace. See Employment Break Policy HR37

Flexible Retirement

An alternative to simply stopping work, to assist in preparing for retirement. See Trust Retirement Policies

Variable Working Patterns

Irregular days off fixed in advance to enable, for example, separate parents to have access to children.

Appendix C Application for Flexible Working – HR28

Please ensure that you have read and understood the Flexible Working Policy before completing this form. Once completed please pass this form to your manager who will arrange to meet with you to discuss your request.

Section A - To be completed by the employee:			
Part 1 - Personal Details			
First Name:		Surname:	
Employee No:		Department:	
Start Date with NHS:		Start Date with Trust:	
Job Title:		Band:	
Part 2 - Current Working Pattern			
Days worked:		Times worked:	
No of Hours Worked:		No of Shifts per week / month:	
Part 3 - Requested Working Pattern			
Days worked:		Times worked:	
No of Hours Worked:		Duration of Change Requested (See section 7.1)	
Start date of change:		End date of change:	

Part 4- Reason for the Request			
Part 5 - Declaration			
I declare that I have:			
1. made a previous application but my circumstances have changed as follows (please state):			
2. read and understood the Flexible Working Policy and wish to apply for a flexible worked pattern as requested above.			
Signed:		Date:	

Section B Continued (To be completed jointly by the manager and the employee)

Part 1 – Impact of new working pattern: (please state how this change will affect your department / colleagues) Employee may wish to discuss this with their manager

Part 2 –Accommodating the new working pattern: (please state how the department / colleagues can support your requested change) Employee may wish to discuss this with their manager

HR28 Flexible Working Policy

Section C - To be completed by the Manager:	
I confirm I have met with the individual to discuss their application and having considered their above request under the Flexible Working Policy (HR28):	
I approve the individual's above request to work flexible, (please tick)	
I have rejected the individual's above request to work flexible for the following reason/s (please tick):	
• Unreasonable burden of additional costs	
• Detrimental affect on the ability of the service to meet service demands	
• Detrimental impact on the provision of continuous standards of care to patients	
• Inability to reorganise work among existing staff	
• Inability to recruit additional staff	
• Detrimental impact on quality or performance	
• Insufficiency of work during the periods the employee proposes to work	
• Planned structural changes	
• Other (please state below)	
If the request is refused employees are able to appeal this decision. If refused insert the name of the manager to whom an appeal should be addressed. Appeals must be submitted within 14 days of receipt of this returned form.	

Further comments/reasons for refusal:			
Name (Print):		Job Title:	
Signed:		Date:	
Date copy of this form and Change of Circumstances form sent to ESR			

Line Manager Action:

- Confirm decision in writing to employee using Section C of this form
- Complete change of circumstances form if required
- Re-issue Statement of Main Terms and Conditions of Employment if required
- Retain a copy of the signed documentation and change of circumstance form on the individual's file and
- Send a copy of the Application for Flexible Working to ESR with a Change of Circumstances form (if required).

IF AN APPLICATION IS DECLINED PLEASE SEND A COPY OF THIS FORM TO HR ADVISORY TEAM

Staff Counselling Service

HR66

Additionally refer to : HS01 Health & Safety Policy
 HR31 Managing Attendance and Employee Wellbeing
 HR65 Occupational Health Service

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Document Lead	Workforce Director
Lead Director	Workforce Director
Date issued:	November 2014
Review date:	November 2017
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Document Lead/Contact:	Workforce Director
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Version	Date	Author	Status	Comment
V1	Pre June 14		Final	
V2	June 14	J Hulse	DRAFT	Reformatted into new Trust template Sections updated to reflect changes to Occupational Health provision of counselling services work & private situations Sections 3 & 4 have been inserted as per template

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1 Document Statement

- 1.1 This document outlines the role of the Staff Counselling Service and the process by which employees may be referred to their services.
- 1.2 Employers have a legal obligation to protect the health, safety and wellbeing of their employees. The Trust believes that all staff should have the opportunity to receive appropriate support for any physical or psychological health issues.
- 1.3 The Staff Counselling Service aims to support employees so as to enable employees to function effectively, both professionally and personally. Issues can be discussed and resolved through one to one counselling and group mediation sessions. The service helps individuals to recognise, accept and deal with any issues that affect their wellbeing at work and their relationships with colleagues, managers and patients.

2 Overview

- 2.1 This policy applies to all staff who are directly employed by the Trust, whether full time or part time, permanent or temporary including those employed by the Trust via the Temporary Staffing Department.
- 2.2 The policy does not apply to individuals employed by agencies or other contractors. Issues relating to these individuals should be referred to the appropriate employer.
- 2.3 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality & Diversity Policy. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak or for persons with little experience of working life.

3 Definitions

NOSS	Network of Staff Supporters
OHS	Occupational Health Service
Trained Counsellor	A person who is an accredited counsellor

4 Duties

- 4.1 Directors and Senior Managers have a responsibility under the Health and Wellbeing agenda for the NHS to ensure that the provision of this type of support is available to all staff to enable them to remain in work or return to work following a period of absence.
- 4.2 Managers have a responsibility to ensure that Staff are informed of and have access to this policy and to the services provided by Occupational Health and NOSS where applicable.
- 4.3 Staff have a responsibility to read and understand this policy in terms of accessing the support offered through the Occupational Health Service provider and through the Network of Staff Supporters.
- 4.4 Staff should also be aware that they may be able to access counselling through their own GP services and if they choose to do so, it would be helpful to inform their manager so that no unnecessary referrals are made to the Trust's OHS provider.

5 Policy detail

- 5.1 The Staff Counselling Service will provide private and confidential counselling to any employee who is being affected by work-related or personal issues. Examples of work-related issues include stress at work, personality conflicts at work, serious incidents experienced at work and bullying and harassment. On a personal level, staff may experience issues in their private lives that may have a significant effect on them, and their ability to undertake their duties effectively and to support them as our employees the Trust offers pro-active measures to ensure staff are kept in work whenever possible.
- 5.2 Employees may choose to access counselling services via their own GP for personal issues if preferred, but should be made aware of the support that the Trust can offer them.
- 5.3 Trained Counsellors will facilitate the Staff Counselling sessions as either a one-off individual session, a series of appointments or a group session.
- 5.4 Sessions will be facilitated using a number of different methods. Direct face to face sessions may take place either at the workplace or at a neutral, mutually agreed location. Sessions may also be conducted on a telephone basis or via e-mail. These sessions are organised in advance with the individual to enable them to have some choice as to which method best meets their personal needs.

6 Process

- 6.1 Staff who wish to be referred to the Staff Counselling Service should approach their line manager. The manager should then refer the employee to the Occupational Health Service using the standard Occupational Health Referral Form
- 6.2 Where an employee feels unable to approach their manager they may approach a more senior manager or, where there is no senior manager available, they may contact the Occupational Health Service directly.
- 6.3 In exceptional circumstances such as where staff have experienced a traumatic event at work employees may self-refer to the Staff Counselling Service. This should only be done when there is an immediate need and where waiting to go through the normal management referral route may cause the employee stress or harm that could be avoided through an urgent self-referral. In these instances the employee should contact the Occupational Health Department.
- 6.4 Where a number of employees have been affected by the same traumatic incident, arrangements should be made for the Staff Counselling Service to run specific group sessions at the earliest opportunity.
- 6.5 The Occupational Health Service must discuss the reasons for the referral with the employee prior to their appointment with the Staff Counselling Service to determine if such an appointment will be beneficial to the employee and, if so, how urgently it is needed. If an appointment with the Staff Counselling Service is deemed appropriate the employee will then be provided with the necessary information to make their appointment directly with the Staff Counselling Service.

7 Confidentiality

7.1 Counsellors will maintain confidentiality at all times. The disclosure of information will only be made where:

- employees consent during their consultation with Occupational Health
- disclosure is required by a court of law
- disclosure is justified in the public interest (e.g. serious crime)

7.2 Confidentiality is not an absolute obligation. Situations may arise where the harm in maintaining confidentiality is greater than that in disclosing the information. For example:

- when confidential information is needed to protect someone's health and safety
- concern for public welfare
- concern for the safety of other specific persons
- police requests for client information with statutory authority or court order
- when necessary in order for the Trust to comply with its statutory duties under health and safety law, in particular the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995

This list is not exhaustive

The issue of confidentiality will be discussed and agreed at the first counselling or group session. The reason for the referral will be discussed with the employee to enable them to give informed consent before any counselling takes place.

Should informed consent be unobtainable, the employee will be referred back to the Occupational Health Service.

8 Training Needs

There is no mandatory training associated with this guidance. If staff have queries about its operation, they should contact their line manager in the first instance.

9 Review process

This policy will be reviewed and monitored by the Workforce Directorate. This will include regular review meetings with the Occupational Health Service and the Network of Staff Supporters, the annual business planning meeting and through consultation with managers, staff and staff representatives. Any queries relating to the application of this policy should be referred to the Workforce Directorate.

10 Equality Impact Assessment (EQIA)

This policy applies to all employees equally and does not discriminate positively or negatively between protected characteristics.

11 Process for monitoring compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Use of the counselling service through out the Trust	Via reports from OHS or NOSS	Health & Wellbeing Officer	Quarterly	Workforce Committee

12 References

HS01 Health & Safety Policy
 HR31 Managing Attendance and Employee Wellbeing
 HR65 Occupational Health Service