

NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

NICE guidelines

Equality impact assessment

Workplace health: long-term sickness absence and capability to work (update)

The impact on equality has been assessed during guidance development according to the principles of the NICE equality policy.

4.0 Final guideline (to be completed by the Developer before GE consideration of final guideline)

4.1 Have any additional potential equality issues been raised during the consultation, and, if so, how has the Committee addressed them?

Communication needs

During consultation, stakeholders highlighted the importance of clear and accessible communication for all employees and in particular for employees with hearing loss, difficulties with speech, or difficulties with communication due to conditions such as autism. They noted that all communication should be clear, accessible and understandable. They highlighted that managers need to have both good communication skills and to understand the communication needs of their employees. In addition, it was highlighted that communication disabilities are cited as an example in the accompanying guidance to the Equality Act of 2010.

In recognition of the importance of clear communication the recommendations on 'Workplace culture and policies', highlighted the importance of clear communication and of policies being clear and accessible. This recommendation cross-refers to NICE guideline [NG13 Workplace health: management practices](#) which includes recommendations focusing on making communication clear and on ensuring line managers receive training in communication skills.

The recommendations on 'Keeping in touch with people on sickness absence' emphasise the need for the person contacting the employee on sickness absence to be sensitive to their individual needs and circumstances. The committee agreed that

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specific communication needs would be an example of such needs and circumstances. They also noted their existing recommendation in this section on ensuring members of staff responsible for keeping in touch, are competent in communication skills.

Neuro developmental disorders

Some stakeholders commented on the specific needs of employees with conditions such as autism spectrum disorders and adult attention deficit disorder (AADD). They noted that people with these conditions may need ongoing support to get into, and remain in work, and that this may include specific workplace adaptations. In addition, they noted that people with these conditions may be more susceptible to developing stress-related illnesses and common mental health conditions and that interventions may need to be tailored to meet their needs.

The committee noted that the remit of this guideline was to make recommendations regarding the management of sickness absence for all employees, regardless of whether they have a disability or long-term chronic condition. In addition, they noted they were unable to make recommendations about tailoring interventions to specific conditions as they had not reviewed the evidence in this area. However, following consultation, the committee highlighted in the recommendations focusing on 'Assessing and certifying fitness for work' and 'Statement of fitness for work' that there are expert sources of vocational advice and support relevant to specific conditions, which employees and employers can be signposted to. They noted in the rationale and impact sections of the guideline, that these may include those from the voluntary sector.

While the committee could not make recommendations relating to employees with specific conditions, they noted that their existing recommendations included those under 'Workplace culture and policies' which focus on fostering a caring and supportive culture and encouraging a proactive approach to all employees' health and wellbeing. Their recommendations on the 'Statement of fitness for work' also include maintaining a confidential record which includes any comments from the medical practitioner about how the person's condition may affect their capability for work and discussing with the person any ongoing health needs, adjustments or other support that might be needed. In addition, under 'Keeping in touch with people on sickness absence' the recommendations emphasise the need to be sensitive to the individual's needs and circumstances.

Regarding the increased risk of employees with such conditions developing common mental health conditions, the committee noted the recommendations in NICE

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guideline [NG13 Workplace health: management practices](#), which includes a focus on line managers being able to recognise when an employee may be struggling with their mental health and which makes specific recommendations on mental wellbeing at work. In addition they noted the forthcoming update of NICE guideline [PH22 Mental wellbeing at work](#).

Cognitive impairment

One stakeholder highlighted the specific needs of people with brain tumours and that in addition to causing fatigue, they can affect cognitive function, memory, mood and personality. While the committee were unable to make specific recommendations regarding the return to work of employees with particular conditions, they noted that their existing recommendations included those under 'Workplace culture and policies' which focus on fostering a caring and supportive culture and encouraging a proactive approach to all employees' health and wellbeing. Their recommendations on the 'Statement of fitness for work' also include maintaining a confidential record which includes any comments from the medical practitioner about how the person's condition may affect their capability for work and discussing with the person any ongoing health needs, adjustments or other support that might be needed. In addition, under 'Keeping in touch with people on sickness absence' the recommendations emphasise the need to be sensitive to the individual's needs and circumstances.

Disability leave

Some stakeholders commented that the guideline should differentiate between sickness leave and disability leave, including having a different policy and procedures for managing disability absence.

The committee noted that the focus of this guideline is on managing sickness absence among all employees, regardless of whether they have a disability or long-term condition covered by the Equality Act of 2010. The committee were therefore unable to make recommendations relating to policies and procedures for disability leave, as it is beyond the scope of this guideline. However, they noted that there are legislative requirements for employers in the area of health and disability and that the recommendations in this guideline should be considered alongside those requirements.

People returning to work after very long-term illness

One stakeholder noted that some people may be returning to work after very long illnesses, where recovery may take years and commented that these circumstances were not reflected in the guideline. They noted that in these cases advice on

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claiming benefits would be important.

The committee recognised that with improved treatments, for example for employees with cancer, more people may be returning to work after extended absences. However, they noted that they were unable to make specific recommendations regarding the return to work of employees with particularly extended absences, as they had not reviewed specific evidence in this area. They noted that the recommendation carried forward from the original guideline on supporting people who are not currently employed because of a health condition or disability to return to work, may be helpful in some of these circumstances. They noted that they were unable to make recommendations on claiming benefits and financial matters as this was beyond the scope of this guideline.

4.2 If the recommendations have changed after consultation, are there any recommendations that make it more difficult in practice for a specific group to access services compared with other groups? If so, what are the barriers to, or difficulties with, access for the specific group?

As before consultation, employees in micro-, small- and medium-sized organisations may not have access to occupational health services and services such as employee assistance programmes because smaller employers may be less likely to 'buy in' these services. The same may apply to employees in organisations where staff are not centrally located but are 'out in the field', or those in rural rather than urban locations.

4.3 If the recommendations have changed after consultation, is there potential for the recommendations to have an adverse impact on people with disabilities because of something that is a consequence of the disability?

No, but the committee noted the need for awareness of the obligations of the Equality Act (2010) to be increased, especially for those with disability.

4.4 If the recommendations have changed after consultation, are there any recommendations or explanations that the Committee could make to remove or alleviate barriers to, or difficulties with, access to services identified in questions 4.1, 4.2 and 4.3, or otherwise fulfil NICE's obligations to advance equality?

In relation to 4.2, the committee have made research recommendations to determine effective and cost-effective ways to support people who work in micro-, small- and medium sized organisations in the UK, to return to work following long-term sickness absence. They also made a recommendation for research among UK employers and employees in micro-, small-, and medium sized organisations, to identify the challenges and possible solutions to supporting people to return to work when access to services such as occupational health and employee assistance programmes may not be available.

In addition, they have made a research recommendation to determine how UK employees who are not centrally located can be supported to return to work following long-term sickness absence.

4.5 Have the Committee's considerations of equality issues been described in the final guideline, and, if so, where?

The importance of clear communication and communication skills training for line managers is discussed under the 'Why the committee made the recommendations' and 'How the recommendations might affect practice' sections of the guideline. Possible expert sources of vocational advice and support relevant to specific conditions are discussed under the 'Why the committee made the recommendations' sections of the relevant recommendations, as is the committee's consideration of distinguishing between sickness leave and disability leave.

Updated by Developer: Sarah Willett, Associate Director

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Approved by NICE quality assurance lead: Simon Ellis, Guideline Lead

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