SEQOHS
Safe Effective Quality Occupational Health Service

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Information on Management Referrals to Occupational Health

What is Occupational Health (OH)?

Occupational Health's role is to provide specialist, confidential advice to the employer and employee. We look at the relationship between work and health, and health and work. Your management referral appointment is impartial and confidential. Our aim to is provide recommendations for a safe and healthy return to work (if you are off work) or advice on supporting you to remain in work. This is intended to help you perform effectively both in your role and as a team member. Our primary function is to advise on fitness to work.

Occupational Health also:

- Help reduce the incidence of illness and injury related to work;
- Identify underlying causes of ill-health and performance difficulties;
- Contribute to the smooth and efficient running of the Trust, if necessary, advising on redeployment of staff who cannot carry out their full range of duties.
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Managers/Human Resources should refer employees to OH if they are concerned that their health is affecting performance, attendance or conduct at work. Also, staff who are returning to work following a long episode of absence benefit from assessment to maximise the chances of a safe, successful return back to full normal duties.

Referrals regarding sickness absence should be made following the Trust's employment policies.

Why am I being referred?

Reasons you manager may decide to refer you to occupational health include:

- You have several short-term sickness absences due to ill-health;
- Concerns about your fitness for work (if you are currently work);
- You have been absent from work (illness/injury) 4 + weeks (long term sickness);
- An incident has taken place at work (or outside of work) which may impact on your fitness to work;
- Advice is required on fitness to attend management meetings (e.g. investigation, disciplinary);
- You have requested a referral to OH.

We **do not provide treatment/therapies** in OH other than physiotherapy (for ASPH staff). We *cannot fast-track your NHS treatment* if you are on a waiting list, prescribe medicines, or make decisions about ill-health retirement eligibility (IHR); [it is your choice if you wish to apply for IHR, and an entitlement decision is made by an independent national assessor].

What is included in a referral?

Your manager will select question/s that he would like OH to answer from a list. Sometimes they will include other questions. The focus of a referral is to look at how to support you at work.

Should I be worried about the appointment?

Most employees find appointments helpful to discuss options, and in identifying underlying causes for issues they might not yet have realised. Decisions about disciplinary/capability procedures are **not** taken by occupational health.

The occupational health appointment

You will usually see an occupational health adviser (or occasionally an occupational health doctor). These are very experienced nurses who have completed (or occasionally are studying for) an additional two-year post registration qualification in occupational medicine. They will check you know the reason your manager has referred you to us.

We take a holistic approach to health and understand that there are many influences on health and attendance. Consequently, we will ask about support you have and responsibilities outside of work (such as your domestic situation), your mental health both now and in the past and lifestyle questions about alcohol, smoking, or drug use. You may be asked some quite personal questions; we do not mean to cause any distress however, these questions are designed to help us make the most effective recommendations and advice to management, and to support you.

Rehabilitation and temporary adjustments

Where appropriate, to help you return to/stay at work, we may discuss options including an adjustment to your normal duties or working hours. These are normally temporary. If there is no foreseeability of your return to your role, and/or treatment options have been exhausted then advice may be provided on redeployment. The line manager takes the final decision about what can be implemented. Every department is unique with different staffing, employee experience/length of service, and operational pressures. Therefore, there is no automatic entitlement to an adjustment.

There is also no automatic entitlement to a paid **phased return to work**; this depends on a wide range of variables such as the length of time off work, the nature of the underlying condition/s and impact on your day to day activities, as well as the job role and work environment as well as the hours worked. For example – a surgeon who is standing for many hours whilst undertaking an operation and an office based clerical worker might need very different support to help them return to work after a broken ankle.

Consent

Before any personal information is shared, we obtain consent. **Consent must be informed and may be verbal or written.** Adequate consent is defined as being:

Free from coercion No external pressure can be applied to try to influence someone's decision.

Fully informed You must be aware of the process that is taking place, the kind of information that will be shared, and the likely consequences.

Specific Consent only applies at the time and the circumstances for which it is first obtained.

What will be written in my report?

Usually your line manager will ask for advice about your fitness for work i.e., is it safe for you to do your job? This is normally written in the report as you being: "fit, fit with adjustments, or temporarily unfit". Your report focuses on answering the questions asked by your manager. We keep medical and confidential information to a minimum unless you have already disclosed to your manager that you have a particular health condition.

Your choices about your report

The options for your report to your line manager and HR are:

1. Not to have a copy of the report; or

2. To have a copy of the report as it is sent (simultaneous disclosure); or

3. To have a copy of the report before it is sent; it will not be sent without explicit consent from you (requesting 'first sight' before consent).

Our department policy is that your management referral reports is **not** sent without your explicit consent.

There should be no surprises when your report is sent to your referring/line manager. We will talk to you about the about the information in the report and our professional opinion. Should there be any factual errors in it we will of course correct them. The OH specialist must be able to provide an objective, balanced, professional opinion. If we feel that absences/issues are not primarily a *health* matter, but more to do with the *professional/working* relationship between the manager and employee or within the team (a "management matter") we will indicate that in our report.

What happens if I do not give consent to my report?

The OH specialist will provide an opportunity for you to ask questions. If your consent is not given then occupational health cannot confirm whether you are fit to work, and the manager will need to make decisions without the benefit of specialist advice from occupational health. You can withdraw your consent at any time.

Sharing your information with others

We take very seriously the responsibility to protect your personal information. *Exceptional* circumstances may arise when confidentiality can be set aside in the best interest of the employee or a third party, and information may be released without your consent. Your OH specialists are all regulated by the Nursing and Midwifery Council or the General Medical Council and follow practice principles set by their regulator, and OH professional bodies.

Rarely is information shared without your consent, and the most common reason is in the event of a serious and/or urgent risk to your wellbeing or that of someone else, or a serious legal/health and safety/driving matter. Decisions to do so would be taken following discussion with the most senior member of staff in the department at that the time. This would normally mean contacting your GP/treating specialist e.g. in mental health emergency. Rarely, we may be required to disclose information without consent following a **court order**. No disclosure of information in response to a court order or to the DVLA is made without the Occupational Health manager (or OH Physician if absent).

Specialist medical report

If your OH specialist feels it would be beneficial to obtain a GP / treating specialist medical report (usually from a consultant) then written consent needs to be given by you under the terms of the Access to Medical Reports Act 1988 (AMRA). You will be asked to sign an OH AMRA consent form and have the option of seeing the specialist's report before it is sent to occupational health. Details of your rights under AMRA are included on the OH AMRA consent form. If you are applying for Ill Health Retirement (IHR) it is usually part of the process that specialist AMRA report/s are requested so that the OH physician can complete their section of your IHR application. OH Advisor may ask you to consider access your NHS App to review your recent medical consultations and reports which contain both GP and Specialist information.

Can I bring someone with me to my appointment?

We understand that sometimes you may feel that you need help coming to an appointment. If you have difficulties with communicating e.g. finding the right words or memory recall, then please contact us to discuss

this. The OH specialist may be able to reassure you or suggest ways in which we can help. They are there to support you at your appointment, but their role is not to answer for you.

We may talk to you about some difficult topics which may be embarrassing if you have a friend or family member with you. If you need a translator or other assistance, please contact us so that we can arrange this. It is important medical terms are translated by an expert to avoid errors, not by a colleague or family member.

Your adviser will need extra time at the appointment if you wish to bring someone with you, so you must contact us in advance to speak to us about this.

Your responsibility

We are guided by the philosophy of 'no decision about you, without you'. Our specialists are experts in signposting you to services and may have suggestions on alternative options to try. However, it is important that you make decisions about your own care. Therefore, we do not normally contact any employee assistance programme scheme for you, allowing you to do this when you are ready.

We will advise you and your manager on options but ultimately only you can decide what is right for you, and your manager must decide if the advice we provide is reasonable and can be applied in part/whole. You are welcome to give a copy of your report to your GP.

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