

CSEAS Guidance Note in relation to Management/HR Referrals to the CSEAS Revised July 2020

The COVID-19 outbreak has changed many things about the way we live and work. It has resulted in the presentation of unique psychosocial issues which, if left unsupported, can greatly impact the wellbeing of the individual. The current necessity for remote working, blended working and shift work has negated the availability and applicability of long standing office based support mechanisms e.g. connectivity to colleagues, managers, mentors and peers.

The CSEAS continues to deliver support services to all staff including managers and HR during this time.

Given the current challenges arising from Covid-19 remote working, on the basis of legal advice, the CSEAS has modified the manager/HR referral process. These measures will be reviewed on an ongoing basis.

1. July 2020 HR/Manager Consultation with the CSEAS

In any situation, HR and managers can consult the CSEAS for guidance and advice in dealing with staff welfare issues. This should be done on an anonymised basis thus giving due regard to the data protection rights of the staff member concerned. This allows HR/managers to obtain support in dealing with the situation arising, to look at options for managing it and, to consider appropriate referrals.

Every effort will be made by CSEAS to support HR/managers in these situations so as to facilitate a positive outcome for all.

HR/managers have the option of suggesting the services of the CSEAS to the staff member.

2. Referrals to CSEAS

a. Self-referral

A staff member can self-refer to the CSEAS by contacting the Service directly. There is no feedback to HR/management.

b. Suggested referral

A sub-category of self-referral arises where a staff member self-refers at the suggestion of another person. A suggested referral can arise where a staff member discloses to HR Division or line management that he/she is experiencing personal and/or work-related challenges, or where HR Division or line management becomes aware of such a situation. The HR Division or line manager may suggest that contact with the CSEAS could be helpful and leave it to the staff member to contact the CSEAS. Suggested referrals can also be made by PeoplePoint, the HR Shared Service Centre for the Civil Service, when communicating with civil servants. Suggested referrals may also be made by the Chief Medical Officer (CMO). In the case of a suggested referral, if the staff member contacts the CSEAS directly, this is considered a self-referral by the CSEAS. There will be no feedback to the party who suggested the availability of the CSEAS to the staff member, unless CSEAS has the consent of the staff member to do so.

Other parties, e.g.: work colleagues, trade union representatives and/or others who have a concern about a staff member may also recommend the CSEAS to the individual.

c. Referrals to CSEAS by HR Divisions on the recommendation of the Office of the Chief Medical Officer (CMO) for the Civil Service

Where the CMO has recommended that a staff member be referred to the CSEAS, HR/managers may refer the staff member to the CSEAS without seeking his/her agreement.

d. HR/Management Referrals

Wellbeing Check-in

Check-in calls provide a valuable opportunity for a manager and staff member to discuss work objectives and work-related updates. Check-ins also provide an opportunity for the manager to explore any issues that may have arisen during this time and to discuss their impact on the staff member's wellbeing.

During this time, a significant number of employees are remote working. Connectivity is now more important than ever. As such, it is recommended that, as a manager, you maintain regular contact with your staff members regarding work processes and to enquire after their ongoing wellbeing. Such enquiries arise from your duty of care and should be sensitively made with due respect for your staff member's right to privacy.

During this time of remote working, HR/managers can make a management referral to the CSEAS in cases where there are concerns about mental health and wellbeing difficulties and/or possible risk to life. Prior to making a referral, HR/managers should discuss the situation with the staff member and encourage him/her to contact the CSEAS. If a manager feels it is appropriate for him/her to instigate a formal referral to the CSEAS, the staff member should be advised accordingly. The manager must obtain the staff member's verbal or email consent to furnish the CSEAS with their contact details.

When requesting consent for a management referral, it should be made clear to the employee that he or she has no obligation to consent to the referral or to engage with the CSEAS. There will be no adverse consequence if he or she says "no". It should also be made clear that the employee is free to withdraw his or her consent and disengage from the CSEAS at any time. There will be no adverse consequences if he or she later disengages from the CSEAS.

If the staff member agrees to receive an outreach call from the CSEAS, the manager shall document this and notify the CSEAS of same. Please note, explicit verbal or email consent is required to initiate contact from the CSEAS except in a risk to life situation. In such a situation consent need not be sought as the manager needs to act to protect the vulnerable staff member. Consent should only be sought in non-life threatening situations.

When making a HR/management referral to the CSEAS, the referring party should comply with his/her obligations to staff members under data protection legislation and GDPR. The referring manager should not provide any special category personal data (including information about a staff member's physical or mental health) to the CSEAS unless the employee has provided explicit consent, documented by the manager, for such information to be provided. The CSEAS maintains normal professional standards in relation to confidentiality and sharing of personal data. Summary and contact information **only** should be provided to the CSEAS.

3. Confirmation of engagement¹ with the CSEAS

In the management referral situations outlined above, confirmation of attendance/engagement will be made available to the referring party. Further feedback will not be provided except in a case of risk to life. Where an individual chooses not to avail of the CSEAS, this will be relayed to the referring party.

¹ Engagement means that an individual has engaged with the CSEAS in a meaningful way. Contact with the Service may range from one session to on-going short or longer term engagement.

4. CSEAS Confidentiality

Information and personal data disclosed by service users to the CSEAS, including disclosure of a disability, will not be shared with their employer or manager, or with any third party outside of the CSEAS, without the prior knowledge and consent of the individual (exceptions are listed below).

Self-disclosure, as appropriate, will be encouraged in the employee's best interests. For example, if an employee tells his or her employer about a previously undisclosed disability, some issues could be alleviated by the making of "reasonable accommodations".

Exceptions to confidentiality

- Life-threatening situations to the individual, other parties or the public
- Where there is a statutory responsibility to report
- Where required by a court or legal process to do so
- Where non-disclosure of information could compromise the CSEAS
- Where the CSEAS becomes aware of a breach in criminal law, disclosure may be necessary