

Annex C: Government response to *Thriving at work: The Stevenson / Farmer review of mental health and employers*, published on 26 October 2017

As Government we support these recommendations in full. Where it is for employers to act to take the recommendations forward we encourage them to do so. For the public sector, this includes working through sponsor departments and initiatives such as our planned Public Sector Summit, to be held in spring 2018. We will similarly encourage implementation of these recommendations by private sector businesses by using existing networks and through our role in providing information, advice and support to employers.

	Recommendations	Government response
1	We believe all employers can and should: • Produce, implement and communicate a mental health at work plan • Develop mental health awareness among employees • Encourage open conversations about mental health and the support available when employees are struggling • Provide employees with fulfilling work, over which they have control and purpose • Promote effective people management • Routinely monitor employee mental health and wellbeing	Government encourages business to take up the recommendation. The Prime Minister and the Cabinet Secretary have accepted this recommendation for the Civil Service, as a large employer. Civil Service Employee Policy (CSEP) will be working with departments and agencies to benchmark their existing products, tools and services, to identify and address any areas for improvement and to share best practice which supports improvement. CSEP will also work with departments to ensure that non-Civil Service non-departmental public bodies (NDPBs) also benchmark against and adopt this core offer. NHS England accepts this recommendation for its own staff, and will explore how to further align the minimum offer to encourage the wider NHS to take it up too (in the Healthy Workforce Programme).
2	We recommend that all public sector employers and the 3,500 private sector companies with more than 500 employees, deliver the following mental health enhanced standards which will reach 46% of employees: • Increase transparency and accountability through internal and external reporting • Demonstrate accountability • Improve the disclosure process	Government encourages business to take up the recommendation. The Prime Minister and the Cabinet Secretary accept this recommendation for the Civil Service, as a large employer, in full. In line with our ambition to be a leading employer, our aim is for Civil Service bodies to meet these enhanced standards as well as the core standards. The benchmarking process set out above will therefore cover both, as will our work with departments on applying this to NDPBs.

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	• Ensure provision of tailored in-house mental health support and signposting to clinical help	NHS England accepts this recommendation for its own staff and will explore how to further align the minimum offer to encourage the wider NHS to take it up too in the Healthy Workforce Programme.
3	We recommend that Government considers amending legislation and guidance, for example the Companies Act, to encourage employers to report on workplace mental health on their website or other channels.	Government supports the aims of this recommendation and agrees in principle that voluntary transparency and reporting can play a strong role in influencing businesses to act and driving culture change. We wish to find the most accessible place for an employee or member of the public to review a company's approach to workplace mental health. Amending guidance or legislation relating to Companies Act measures may not be the most appropriate approach and we will therefore consider other legislative vehicles or forms of guidance that would achieve the same aim in the most appropriate way.
4	We welcome the adoption of workplace mental health indicators in employer rating initiatives.	Government agrees that this would be useful.
5	We recommend that industry groups provide guidance and support to enable employers to implement the mental health core standards, and take steps to support increased employer transparency and accountability on workplace mental health.	Government encourages industry groups to play this role.
6	We recommend that professional bodies with responsibility for training or accrediting professional qualifications should include workplace mental health in their training programmes and assessments.	Government encourages professional bodies to do what they can to promote this agenda.
7	We would welcome industry efforts to support employers to be able to better understand and compare EAP and OH services by creating developing standards, and by developing online comparison tools.	Government agrees that better information would be helpful.
8	We recommend that insurers explore how they could support and reward employers, in particular SMEs, who adopt preventative policies and provide mental health support to their employees.	Government encourages insurers to take up this challenge.

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9	We recommend that workplace regulators use the most suitable regulatory approaches available to them to encourage the take up of the mental health core standards amongst employers.	Government encourages regulators to take up this recommendation, whilst recognising that it is for individual regulatory bodies to determine if it is appropriate and within the legal remit they have.
10	We recommend that the Equality and Human Rights Commission (EHRC) considers taking a more proactive role in monitoring and taking enforcement action against employers that discriminate against individuals on the grounds of mental health.	EHRC agrees in principle with this recommendation. EHRC proactively use our legal powers to protect people from discrimination and uphold values of fairness, dignity and respect. We do this by both funding strategic litigation and, where appropriate, investigating employers where there is evidence they may have carried out an unlawful act. Alongside this we will address the barriers to people with mental health conditions accessing, remaining in and progressing at work.
11	We recommend that the Health and Safety Executive revise its guidance to raise employer awareness of their duty to assess and manage work-related mental ill-health.	HSE accepts and will implement this recommendation.
12	We recommend that the Health and Safety Executive builds on its risk assessment guidance and Management Standards approach by highlighting how these actions will help employers deliver key parts of the mental health core standards.	HSE accepts and will implement this recommendation.
13	We recommend that Local Authorities adopt the same recommendations as the Health and Safety Executive throughout its guidance and practices, and ensure join up between public health and health and safety enforcement roles.	We agree that in principle it would be sensible for Local Authorities to mirror changes being made to HSE processes. Before any changes are implemented we will need to work with the Department for Communities and Local Government to assess the likely impact on Local Authorities, including how we might mitigate any increased burden.
14	We recommend that all public sector workforces should implement the mental health core and enhanced standards.	The Prime Minister and the Cabinet Secretary have accepted this recommendation on behalf of the Civil Service as an employer, as with recommendations 1 and 2. We would expect all Civil Service bodies and NDPBs to meet the core and enhanced standards, but need to explore whether all elements of the enhanced standards are practicable in small agencies and NDPBs. Government encourages the wider public sector to implement the core and enhanced standards.

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15	We recommend that public sector regulatory bodies who are regularly in contact with public sector employees include the employer's approach to employee mental health in their assessments.	Government agrees in principle with this recommendation and wherever possible will encourage public sector regulatory bodies to take this up. It will be for individual regulatory bodies to determine if it is appropriate and within the legal remit they have. We will champion best practice where this is already happening in the public sector. For example, whilst not a regulatory body Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) independently assesses the effectiveness and efficiency (in the public interest) of police forces and fire and rescue services. HMICFRS considers wellbeing of forces and fire and rescue services as part of its regular inspection frameworks.
16	We recommend that all Permanent Secretaries, Chief Executives and equivalent senior leaders across the public sector, have a performance objective to support the mental wellbeing of all employees, through the implementation of the mental health core and enhanced standards.	The Prime Minister and the Cabinet Secretary have accepted this in full on behalf of the Civil Service as an employer. It is important that the objective is meaningful, and that discussions about performance against it are based on relevant, up-to-date information. The new Civil Service Health and Wellbeing dashboard contains relevant metrics which could be used for this purpose, as does the existing Disability Dashboard. We will continue work on how performance will be measured, with a view to applying the new objective.
17	We recommend that NHS England continues to develop its current offer on mental health in the Healthy Workforce Programme and other on-going initiatives, and look to ensure that every NHS Trust arms NHS employees with basic tools for prevention and self-care.	NHS England supports this recommendation and is continuing to develop our Health Workforce programme to best support wellbeing of our workforce.
18	We recommend that the Department for Education (DfE) implement the commitments in the published workload action plan and consider how teacher mental health can be incorporated into school mental health strategies, including the upcoming Children and Young People's Mental Health Green Paper.	DfE agrees with this recommendation. Alleviating workload pressures remains a government priority. We are working extensively with unions, teachers and Ofsted to challenge practices that create unnecessary workload. This includes establishing three independent review groups to address priorities emerging from our 2014 Workload Challenge - ineffective marking, use of planning and resources, and data management. Work is progressing to meet all commitments in the Action Plan published alongside the 2016 Teacher Workload Survey. We are working on the Green Paper for publication at the end of 2017 and will consider potential links with teachers' mental health and

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	wellbeing as that develops, as well as with other aspects of the Department's work.
19 We recommend that, in addition to its existing initiatives to train senior leaders and coaches in mental wellbeing, the Civil Service reviews and enhances mental health training for all grades and ensures all Departments have a planned approach to ensuring employees have received training appropriate for their role.	The Prime Minister and the Cabinet Secretary have accepted this recommendation in full. Work already in hand includes training for Senior Leaders and for coaches. Training for Senior Leaders will be mainstreamed into the Leadership Academy curriculum, once piloted, in order to be available for all grades. Alongside this, CSEP will work with departments and external experts to review what is already in place and where there are gaps, and also gather input from staff networks. Once that assessment has been done, CSEP will set out a plan and timetable for enhancements and improvements identified through that review.
20 We recommend that public sector employers should identify employees at higher risk of stress or trauma and produce a national framework which coordinates support for these employees and establishes clear accountability for their mental health.	The Prime Minister and the Cabinet Secretary have fully accepted this recommendation. CSEP will develop specific actions relating to staff at risk of trauma to place alongside the core and enhanced offers and we will ask departments to benchmark what they are doing. Government will also champion best practice where this is already happening in the public sector. For example, the Home Office supports this recommendation in relation to the police service. It is the responsibility of chief officers, supported by the College of Policing, to ensure that good management systems are in place to support officers in their work. In addition, the Blue Light Wellbeing Framework is an emergency services specific self-assessment tool for management, used by the police service with others looking to follow, which provides clarity on effective approaches to workplace wellbeing in emergency services and considers some of the unique challenges faced.
21 We recommend the formation of a mental health online information portal, co-produced by the voluntary, public and private sector, to promote best practice and enable employers of all sizes to implement the mental health core and enhanced standards.	We (the Work and Health Unit) agree that information and advice on mental health and wellbeing (as well as disability) needs to be brought together for employers of all sizes and are taking forward this initiative. To determine the best way to do this, we will research and test options with employers to make sure the solution meets their needs. We need to explore options fully before confirming this will be an online approach. We

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		will work in partnership with other sectors and Government bodies to explore and develop options.
22	We recommend that Government aligns the fragmented occupational health and practical support available currently from Access to Work, the Fit for Work Service and other NHS services to create an integrated in-work support service to better support the needs of those with mental illness, and other physical health conditions and disabilities.	We agree in principle that occupational health, employment support and mental health services need to be aligned. We are building evidence and exploring options to ensure we make the right decisions on the nature of future provision. It is premature to decide on future delivery models at this point.
23	We recommend Government protects and promotes the current tax relief for employers to invest in the mental health of their employees.	HMRC will support the Work and Health Unit to ensure the existing tax reliefs to support employers to invest in the mental health of their employees are included in their guidance or other materials, and that HMRC's own guidance on these reliefs is clear.
24	We recommend Government explores the potential to incentivise employers, especially SMEs, to implement the mental health core standards, including building on evidence from the West Midlands 'wellbeing premium' trial.	We (the Work and Health Unit) agree that we should explore the use of incentives, particularly for SMEs. We will build our evidence on the use of incentives and review the wider framework of incentives and expectations for employers. This will include how incentives might effect SMEs purchasing health and wellbeing support. We will continue to work with the West Midlands as they develop their proposals on the Wellbeing Premium trial.
25	We recommend that public bodies encourage their suppliers to implement the mental health core standards.	Government accepts this recommendation and recognises the importance of the role our suppliers can play in improving the mental health and wellbeing of staff employed on public sector contracts. The Crown Commercial Service will signpost the published core standards from the review to make departments aware, as part of a wider procurement policy note on work and health related measures.
26	We recommend that the Government consider legislative change to enhance protections for employees with mental health conditions, particularly fluctuating mental health conditions and clarify the role of employers in providing reasonable adjustments.	The Government is aware of concerns raised that some people with mental health conditions have experienced problems in accessing the Equality Act 2010's protections. The 2017 Conservative manifesto promised action, and the Government is exploring a number of options to extend protections from discrimination in the workplace, including through the Equality Act 2010, for people with mental health conditions. We will make an announcement on these issues in due course.

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		At the Conservative Party conference in October, the Prime Minister also announced an independent review of the Mental Health Act, which will: • look at how the legislation is currently used • look at its impact on service users, families and staff • make recommendations for improving the legislation and related practices The review will be chaired by Professor Sir Simon Wessely, a former President of the Royal College of Psychiatrists and he will produce an interim report in early 2018 and develop a final report containing detailed recommendations, by autumn 2018.
27	We recommend that Government examines what more it can do to require employer compliance with existing equalities and employment laws.	As above (in response to recommendation 26), the Government is exploring the protections from discrimination in the workplace for people with mental health conditions, including compliance with legislation by employers, and will make an announcement on these issues in due course.
28	We recommend that Government develops a new flexible model for Statutory Sick Pay (SSP) to better support those with a mental health condition, where willing and able, to return to work on a voluntary phased return and receive wages and SSP on a pro-rata basis.	We (the Work and Health Unit) agree that SSP needs to be reformed to support phased returns to work. This recommendation supports our proposal in the <i>Improving Lives – The Work, Health and Disability Green Paper</i> . We are taking forward further policy development and will bring forward a consultation on these changes before introducing this reform.
29	In England, the NHS and Government should fully implement the Five Year Forward View for Mental Health, and the Scottish Government, Welsh Government and Northern Ireland Assembly should consider how best to prioritise mental health in line with local needs.	NHS England published the Five Year Forward View for Mental Health in February 2016 and is committed to it. Government encourages the Devolved Administrations in Scotland and Wales to consider this recommendation and how it could be taken forward. Northern Ireland will respond to the Review and recommendations when they are in a position to do so. The United Kingdom Government is committed to working with the Scottish Government, Welsh Government, and Northern Ireland Executive to improve the UK's mental health at work.

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30	We recommend that the Government NHS bodies enable and encourage IAPT and other mental health services to provide quick and convenient access to care to fit around employment.	The Department of Health accepts this recommendation and is working with NHS England to implement it.
31	We recommend that NHS bodies should provide clear ratings for apps and other digital platforms which provide mental health support.	The Department of Health accepts this recommendation in full. The NHS and arm's length bodies have created a self-assessment toolkit to ensure apps (and eventually other digital platforms) have met the required technical, safety and regulatory requirements.
32	We recommend that the responsibility for completing fit notes is extended to mental health professionals and Government considers how to further improve communication between health professionals, employees and employers where appropriate.	We agree and are commencing development work to legislate for the extension of fit note certification powers to a wider group of healthcare professionals. As part of this development work we will include a consideration of how to encourage effective communication channels between healthcare professionals, employers and employees.
33	We recommend that Government and the NHS work to improve patient access to their personal health record, empowering employees to share their data and information with their employer when they wish to do so, where it can be done safely and securely, to support people to thrive in work.	The Department of Health accepts this recommendation in full and is working with NHS England in taking forward this work.
34	We recommend that Government invites leaders from a variety of organisations to join a Leadership Council to maintain the momentum built by this review.	Government agrees that the momentum around mental health in the workplace should be maintained and leadership is needed. We will explore the most effective way to do this and will ensure we best utilise existing forums including the Inclusive Economy Partnership's Mental Health Group.
35	We recommend that Government and other organisations should focus information, support and funding to support small and medium sized employers to implement the mental health core standards, and ensure the impact of this is evaluated.	We agree with this recommendation in principle and are focussing our existing resources on supporting SMEs. As we develop this support we will ensure that the core standards are included in any information that we offer.
36	We recommend that online platforms with large reach amongst self-employed workers link up with NHS-approved health and wellbeing support to provide mental	Government encourages these online platforms to consider the best way to signpost self-employed workers to effective sources of advice.

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	health support and advice which can be accessed by those working through their technology.	
37	We recommend that the relevant Government Departments explore ways of supporting and encouraging local networks, particularly through City Regions and combined authorities, to develop integrated approaches to improving workplace mental health.	We agree and have started prototype work with Cornwall and Isles of Scilly Local Enterprise Partnership (LEP) to increase and build sustainable local networks. We will share findings with other local areas from early 2018. We will also explore opportunities to support further development of action by local partnerships on this agenda, for example by sharing good practice and evidence of what works.
38	Given the clear links between mental health and productivity, we invite 'Be the business' and similar initiatives to incorporate employee mental health in their tools and information.	Government agrees that this would be useful.
39	We recommend that Government streamlines research and activity relating to workplace mental health to drive evidence-building and innovation, putting it at the heart of the 10 year research strategy.	We (the Work and Health Unit) agree with this recommendation. We are developing an Evidence Strategy for Work and Health that will be published in 2018. This will include the future research required with regards to workplace mental health. In producing the Evidence Strategy, we will be ensuring we draw on the expertise and other work being undertaken within DH, DWP and across Government, as well as externally.
40	We recommend that Government funded mental health campaigns include information and support for improving workplace mental health, and that where possible their impact is evaluated.	The Government recognises the significant benefits of a workplace that encourages and supports good mental health and supports those experiencing mental health conditions. We are proud to continue financially supporting the Time to Change national anti-stigma campaign addressing the stigma that surrounds mental health. It has been successful in improving the attitudes of over four million people towards mental health. The planned campaign to train one million members of the public in mental health awareness is developing, including: development of evidence-based content relevant to employers and workplaces; and tools, resources, online support and signposting relevant to the workplace. PHE has a track record of delivering ground breaking campaigns, including working with and through employers. We are also developing a robust evaluation framework to better understand the impact of the campaign, including impact on workplace mental health.