

**Guidance for Line Managers – Supporting Employees Diagnosed with a Terminal Illness**

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**Version 1**

Contents

[1. Introduction 3](#_Toc138750608)

[2. Immediate action following initial diagnosis 3](#_Toc138750609)

[3. Supporting an employee with a terminal illness to remain at work 4](#_Toc138750610)

[4. Supporting an employee with a terminal illness who is absent from work 5](#_Toc138750611)

[5. Financial Support 5](#_Toc138750612)

[6. Ill health retirement 6](#_Toc138750613)

[7. Staff Support 7](#_Toc138750614)

[8. Additional resources and support 7](#_Toc138750615)

[8.1 Employee Support 7](#_Toc138750616)

[8.2 Line Manager Support 8](#_Toc138750617)

[8.3 Other useful contacts 8](#_Toc138750618)

# Introduction

NHS Lanarkshire is committed to treating all our employees with dignity and respect, managing staffing and employment matters with sensitivity and compassion.

The health and wellbeing of our workforce is one of our top priorities and when employees are faced with a serious or terminal diagnosis, it is important that they have the right to choose their own path without worry of the financial implications. NHS Scotland has introduced the TUC Dying to Work Charter through partnership working which means that employees can focus on themselves and their families at these difficult times and can be rest assured that we are here to support them.

This guidance provides information on the range of support available within NHS Lanarkshire and outlines the options on how employees may wish to proceed at work and what support to expect from NHS Lanarkshire as their employer.

NHS Lanarkshire is committed to ensuring that employees are provided with the security of work, peace of mind and the right to choose the best course of action for themselves and their families.

This guidance provides reassurance to managers to assist them in supporting an employee who has been given a terminal diagnosis and can also be used as a support framework for the employees themselves. It is important that our employees feel supported and valued following diagnosis and are offered the respect, dignity and choice they deserve at the most difficult of times.

It is recognised that a medical condition which is given a terminal diagnosis may be considered under the Equality Act 2010 due to any substantial and/or long term effect on the individual’s ability to do normal activities. NHS Lanarkshire seeks to support all employees with a terminal diagnosis and consider all possible reasonable adjustments and support. Terminal illness for the purposes of this guidance is normally considered to be a prognosis of 12 months’ life expectancy or less.

# Immediate action following initial diagnosis

As a line manager, you have an important role is ensuring communication and support is provided for employees whether they are at work or during any period of absence. Consideration needs to be given to the individual circumstances of each employee and their right to choose their own path. Everyone’s experience is different, however, you should be available to listen and provide emotional and practical support to your employee which includes seeking advice from relevant departments such as Occupational Health and Human Resources.

Following news of a terminal prognosis everyone will react in a different way. Some employees may wish to talk about it and some may not. Some may wish to continue working, some may wish to but cannot, some may not wish to and spend their time with their family and friends. Whichever choice an employee makes, they should be able to expect help and support from NHS Lanarkshire. The important thing to remember is that employees will manage their diagnosis in a range of ways and you will be keen to ensure that you support your employees with sensitivity, compassion and flexibility.

As a manager, you may also need support as you work through this difficult time with your team member and you should consider which form of support might suit you. It may be speaking to your manager, Human Resources, Occupational Health, Spiritual Care or a counsellor at the Employee Assistance Programme who are trained to support in this situation. It may be that a specialist organisation such as Marie Curie or Macmillan Cancer Support will be able to help. Information on additional resources and links to support can be found in Section 8 of this guidance. You may also find it useful make contact with the Organisational Development around the Enabling Crucial Conversations service they provide.

When an employee advises you that they would like to discuss a health issue or concern, arrange for a safe and private place to do so without interruption. You could also arrange this virtually. This may be a difficult and distressing conversation and the employee may not have a clear idea of what steps they would like to take at this point. It is important that you are just available to listen.

You and the employee should agree the best method and frequency for keeping in touch and you may wish to find out if your team member has shared the news with any colleagues within the team or wider organisation and respect their privacy if they do not wish colleagues to be informed of their situation.

Other members within the team may be impacted by the news of their colleague’s diagnosis and you should consider wider team support as well as signposting the team members to the routes available to speak about their feelings, including the Employee Assistance Programme.

# Supporting an employee with a terminal illness to remain at work

An employee may be well enough and may wish to remain in work despite their diagnosis. It may be therapeutic for some employees to remain at work and it is important to support this wish and ensure that you explore any supports or adjustments that may be required with your employee. Further advice is available through HR or the Occupational Health team.

A terminal diagnosis is likely to be covered by the Equality Act and there is a duty on the employer to consider and implement reasonable adjustments. These can be adjustments to the role, adjustment to particular duties or the work environment, working more flexibly or from home or even redeployment if this is deemed appropriate. This should be discussed with the employee and consideration given to completing a risk assessment with them to highlight any aspects that might cause concern or require adjusting.

The medical and psychological impact of a diagnosis can change over time and so regular discussions and review of the working environment should take place to consider any further adjustments or support that may be required.

An employee may need time off to attend medical appointments and so as a manager you should provide support as appropriate. It may be helpful to consider a change to working hours within the Flexible Working Policy so again consider this when the time is right. [https://www.nhslanarkshire.scot.nhs.uk/corporate-policies/human-resources-policy/#](https://www.nhslanarkshire.scot.nhs.uk/corporate-policies/human-resources-policy/)

Access to Work may be able to provide support to enable an employee to continue working. Access to Work is a publicly funded employment support grant scheme. More information can be found on the gov.uk website. The link is here [Access to Work](https://www.gov.uk/access-to-work) . There is also a useful factsheet and the link is [Access to Work Factsheet](https://www.gov.uk/government/publications/access-to-work-guide-for-employers/access-to-work-factsheet-for-employers).

# Supporting an employee with a terminal illness who is absent from work

Detailed guidance about supporting a member of staff who is absent due to long term illness can be found in the NHSScotland Attendance Policy which can be found here [Attendance Policy](https://workforce.nhs.scot/policies/attendance-policy-overview/).

It is important to keep in touch with your employee and as is normally the case, you should agree the method and frequency of contact. In addition, it may be appropriate to agree whether contact from colleagues is welcomed and if so what form this could take. It may be appropriate in some situations to advise if the employee’s role will be back filled on a temporary basis but this will be dependent on the individual and you should consider how and when you share this information.

Consider everyone on an individual basis in relation to information they would like to receive about work.

Talk to the HR department about whether a referral to occupational health would be helpful for your employee. If they wish to pursue an application for ill health retirement, speak to the HR department for support and advice with this process.

In line with the NHSScotland Attendance Policy, it is important to recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry. Absence triggers are not a prompt to lead to formal stages but rather a trigger to initiate supportive interventions and discussions that could include a referral to Occupational Health or the introduction of workplace adjustments. There is a need to handle these discussions in a compassionate and sensitive manner. Seek advice from the HR team on the application of the policy.

# Financial Support

Employees who are absent from work will be entitled to Occupational Sick Pay as per their contractual agreement as follows:

* during the first year of service - one month full pay and two months half pay;
* during the second year of service - two months full pay and two months half pay;
* during the third year of service – four months full pay and four months half pay;
* during the fourth and fifth years of service – five months full pay and five months half pay;
* after completing five years of service – six months full pay and six months half pay.

Statutory Sick Pay (SSP) will also be paid for a maximum of 28 weeks (included as part of the Occupational Sick Pay entitlement), however if the SSP is expected to end but the employee is still sick and expects to be sick beyond the maximum 28 weeks of SSP, a SSP1 form must be issued on or before the beginning of the 23rd week. Payroll will complete this form and send the employee a copy.  At this point, the employee may be able to apply for Universal Credit or Employment and Support Allowance (ESA) where they would use the form SSP1 to support their application. HR and payroll colleagues can advise of the details for each set of circumstances.

If an employee is absent from work for a prolonged period and is either not eligible or does not wish to apply for ill health retirement, consideration should be given to requesting an extension to full or half occupational sick pay. Further information can be obtained through the HR team.

Employees should be encouraged to explore options available to them in terms of what would be the most financially viable option for them whether that would be to remain in service or to apply for retirement through ill health. The HR team can provide assistance and support with this.

Employees should be encouraged to seek independent advice about the benefits they could be entitled to, including those that are payable whilst in work or those payable if someone has ceased to work. Further information about benefits for those with a terminal illness can be found on the Gov.uk website <https://www.gov.uk/terminal-illness-benefits>.

# Ill health retirement

Information on termination of employment on the grounds of ill health is available on the SPPA website in relation to pension options when there is a terminal diagnosis. This is the link <https://pensions.gov.scot/nhs/retiring-nhs/ill-health-retirement>. You, or your team member, may wish to discuss options with a member of the HR department who can provide advice on the process and the relevant forms that will need completion.

The following table summarises the SPPA application forms:

|  |  |
| --- | --- |
| **Form** | **Completed by** |
| AW6: Death Benefits for Widow(er)/Partner  | Spouse/Civil Partner/Partner/Nominee/Legal Representative |
| AW7: Death in Service Benefits for Widow(er)/Partner  | Spouse/Civil Partner/Partner/Nominee/Legal Representative |
| Declaration of Entitlement to Estates  | Spouse/Civil Partner/Partner/Nominee/Legal Representative |
| AW9: Dependents Allowance Award  | Surviving Parent/Guardian of any child/children under 16n years of age or dependent if over 16 |
| AW8: Ill Health Retirement Application | Employee |
| AW8P: Ill Health Retirement Early Payment of Preserved Benefits | Employee |
| AW8P MED: Ill Health Retirement Early Payment of Preserved Benefits Medical Report  | GP/Specialist/OHS |

# Staff Support

NHS Lanarkshire provide staff counselling through The Talking Rooms, which offers confidential help, support and assistance for our staff via the telephone, online or though face to face counselling. The Talking Rooms gives completely confidential support.

The Talking Rooms can be contacted on 0800 139 9150. Further information can be found on their website: [Cognitive Behavioural Therapy (CBT) In East Kilbride | The Talking Rooms](https://www.thetalkingrooms.com/)

In addition to this, NHS Lanarkshire have a staff care and wellbeing service.

The Staff Care and Wellbeing service seeks to build resilience and enhance wellbeing through: provision of regular wellbeing focussed classes and events; promoting wellbeing information; 1-2-1 active listening; peer support; group support; and a variety of training courses. The service offers a variety of safe and confidential spaces for staff to tell their stories and to reflect on their experiences - helping them to identify sources of strength and to build resilience.
The service is open to all staff within NHS Lanarkshire. Staff can access our services and support by contacting us emailing staffcare@lanarkshire.scot.nhs.uk or in more urgent circumstances, on the 24-hour staff care helpline on **01698 752000**.

# Additional resources and support

## Employee Support

NHS Lanarkshire Wellbeing resources on our intranet: [Your Health Matters | NHS Lanarkshire (scot.nhs.uk)](https://www.nhslanarkshire.scot.nhs.uk/your-health-matters/)

NHS Inform <https://www.nhsinform.scot/>

[MacMillan Cancer Support Line](https://www.macmillan.org.uk/cancer-information-and-support/get-help/emotional-help/macmillan-support-line) (0800 808 0000): Confidential support to people living with cancer and their loved ones.

[Dying Matters](http://www.dyingmatters.org): Raising awareness of dying, death and bereavement.

[Dying to Work Charter](https://www.dyingtowork.co.uk/): Further information on how the charter began and what it aims to change.

[ACAS](https://www.acas.org.uk/): Free and impartial advice on workplace rights, rules and best practice.

[Improving the cancer journey](https://www.glasgow.gov.uk/index.aspx?articleid=17159) (0141 287 7077): A service to help people affected by cancer get the support they need, whether it is financial, emotional, medical or practical.  Improving the Cancer Journey is a partnership between Macmillan Cancer Support and Glasgow City Council.

[National Wellbeing Hub](https://wellbeinghub.scot/) (0800 111 4191): Resources to assist with looking after your emotional and psychological wellbeing.

[NHS](https://www.nhs.uk/conditions/end-of-life-care/coping-with-a-terminal-illness/): Support for coping with a terminal illness.

[NHS Inform](https://www.nhsinform.scot/): national health information helping individuals make informed decisions about their health and the health of the people they care for.

[Marie Curie](https://www.mariecurie.org.uk/help/support/diagnosed) (0800 090 2309): Care and support through terminal illness.

[Hospice Care](https://www.hospiceuk.org/information-and-support/your-guide-hospice-and-end-life-care/im-looking-hospice-care): A national charity for those experiencing, dying, death and bereavement. Information available on hospice centres near where you live.

[Maggie’s Centres](https://www.maggies.org/): A charity providing free cancer support and information in centres across the UK and online.

## 8.2 Line Manager Support

[MacMillan: Guide for Employers](https://www.macmillan.org.uk/cancer-information-and-support/get-help/help-with-work/employers): A support guide for managers to help support their employees with a cancer diagnosis.

[Healthy Working Lives](https://www.healthyworkinglives.scot/workplace-guidance/illness-absence/cancer/Pages/supporting-those-with-cancer-at-work.aspx) (0800 019 2211): Information and guidance for employers on supporting employees who have cancer including legal obligations.

## 8.3 Other useful contacts

[Human](https://www.nhsggc.org.uk/working-with-us/hr-connect/contact-hr-support-advice-unit/) Resources Department: 01698 754340 or via HR Service Now. Advice and Guidance on NHS policy and procedure.

Learning and Organisational Development: 01698 754340 or by email: LearningandOD@lanarkshire.scot.uk . Support on Enabling Crucial Conversations skills.

[Occupational Health](https://www.nhsggc.org.uk/services/occupational-health/): Specialist advice to support you and your staff at work on all matters relating to your health and wellbeing.

* Beckford Street:01698 759385
* University Hospital Monklands:01698 752292
* University Hospital Hairmyres:01355 585360
* University Hospital Wishaw:01698 366770

Spiritual Care: 24 hour helpline: 01698 752000**.** Email: **staffcare@lanarkshire.scot.nhs.uk**

[SPPA](https://pensions.gov.scot/) (01896 893000): Scottish Public Pensions Agency. Members can contact at sppacontactus@gov.scot.

[The Pensions Advisory Service](https://support.microsoft.com/en-gb/office/this-website-doesn-t-work-in-internet-exhttps%3A/www.gov.uk/government/organisations/the-pensions-advisory-service): free and impartial guidance about workplace and personal pensions.

[NHS Staff Benefits](https://www.nhsstaffbenefits.co.uk/): [Exclusive deals for NHS staff at NHS Staff Benefits - NHS Staff Benefits](https://www.nhsstaffbenefits.co.uk/)

[Money Helper](https://www.moneyhelper.org.uk/en?source=mas) (0300 500 5000): Offers advice to help people manage their finances.

[Citizens Advice Scotland](https://www.cas.org.uk/) (0808 900 8060): Looking for advice? Independent, confidential, impartial and available to everyone.

[Access to Work](https://www.gov.uk/access-to-work) : (0800 121 7479): Financial support to help staff remain at work, the grant can pay for special equipment, adaptations or support worker services. Can also assist with transportation costs to and from work ([Access to Work Factsheet](https://www.gov.uk/government/publications/access-to-work-guide-for-employers/access-to-work-factsheet-for-employers) ).

Employees can also access additional support via their Trade Union.