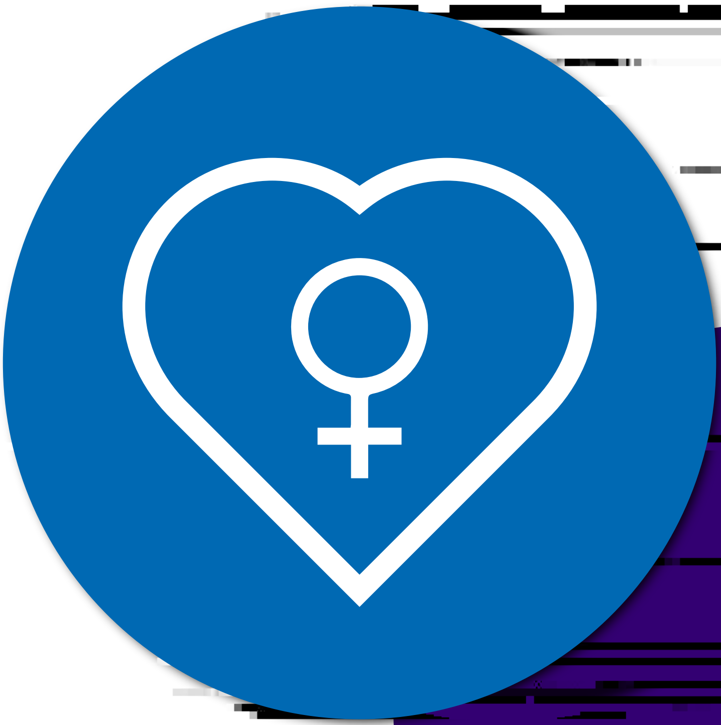
skillsforcare

Adult Social Care Menopause Guidance for Managers and Staff.



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1. Introduction

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2. Definition - (see appendix 1)

The menopause transition is a natural phase of life when women and some trans and non-binary people stop having periods because of hormonal changes, a decrease in oestrogen levels. It usually occurs between the age of 45 and 55 and typically lasts between four and eight years, although this can last longer. Premature menopause can happen naturally for 1 in 100 individuals (or because of illness or surgery). This may also be more common in trans, non-binary or intersex workers where hormonal treatment or surgeries may affect the age at which menopause occurs.

3. Symptoms of menopause – (see appendix 9)

The body can be affected by menopause in numerous ways, causing a myriad of symptoms, some of which will affect performance at work, more specifically and [illegible] potentially require consideration more than others. (See appendix 2). The 6 most common symptoms are:

- Hot flushes/night sweats
- Fatigue
- Concentration problems
- Anxiety
- Insomnia
- Recall/memory problems

During menopause mental health symptoms can present as low mood, anxiety, sleep problems, which then lead to tiredness, fatigue, a cycle that is exacerbated as the symptoms continue. Brain fog leading to reduced concentration, poor information retention and a reduced ability to learn can significantly affect confidence adding to low mood. Existing or pre-existing conditions may be exacerbated, for example, depression.

These symptoms can impact on an individual's performance in terms of coping strategies, pressure of dealing with deadlines and especially where there are changing priorities. They may also experience a lack of confidence, anxiety, or panic disorder.

4. Protected Characteristics – (see appendix 5)

We recognise that people of diverse gender expression and identities experience menopause. This is therefore not just an issue for female colleagues - although the physical and psychological symptoms of menopause do mainly affect women, menopause can also directly and indirectly affect others both within the workplace and at home. The menopause affects 51% of the population. This can include male and female colleagues, non-binary and intersex colleagues, family members, and same sex partnerships.

Non-binary and intersex employees and the menopause

Transgender, non-binary and intersex workers may experience the menopause, either due to age related hormonal changes or hormone treatment and surgeries. Some trans, non-binary and intersex workers may not wish to disclose their menopausal symptoms as this may mean disclosing their trans or intersex status. It can therefore be particularly difficult for these employees to access support and/or ask for adjustments. Within each of these groups people's needs will be different and it is important to [illegible] everyone as an individual [illegible] and ask them to take the lead on their required adjustments. Further details of the potential impact on people from different communities can be found in Appendix 5.

Menopause [illegible] protected by legislation related to age and gender and [illegible] provide a safe workplace under Health and Safety legislation.

5. Guiding Principles for Managers

Principle 1 - Values based statement

- A clear value based organisational leadership statement that recognises the menopause is a workplace issue - this needs to be communicated to staff: Here are a couple of examples you could use as a baseline for your individual organisational statement:
- The business case for staff experiencing the effects of the menopause is clear and it is essential that we support and retain our valued and skilled staff and promote their wellbeing and absence management.
- We recognise how prioritising and improving the wellbeing our staff this will impact positively on the people we support.

Principle 2 - menopause policy (see Appendix 9)

- Review an existing menopause policies/guidance or create an organisational menopause policy - this conform your organisational commitment for the menopause as a workplace issue.
- A menopause policy will enable effective management of sickness/absence.
- A menopause policy enables clarity for staff. See Appendix 8 - for Policy Template

Principle 3 - Support (see Appendices 1 and 2)

- The creation of Menopause support groups/Menopause Cafe are a very beneficial, enabling understanding and belonging.
- Menopause Champion/Buddies - increasing knowledge, skills, and support within your team.
- Supervision conversation
- Local and regional menopause support networks
- Regional Health and Wellbeing Hub

Principal 4 – Duty of Care: (see Appendix 4)

Employers have a duty of care to the people they employ.

Be aware of responsibilities under the Health and Safety at Work Act 1974

Management of Health and Safety at Work Regulations 1999.

Equality Act 2010.

Staff may need adjustments to their working environment.

Principal 5 - There is ‘No one size fits all’ approach

Menopause symptoms are highly individual; they can be sensitive and cause embarrassment, so it is entirely understandable for staff to feel unable to share and explore sensitive and personal symptoms with their managers. There are options to help you do this:

6. Expectations of managers

If an employee chooses to approach you to discuss issues with their menopause it may be a line manager or a manager they feel able to discuss their situation with for instance due to a shared culture - you must appreciate that the symptoms experienced are very personal, no one individual can be compared with another and as a result of the highly personal nature of symptoms the member of staff may not wish to discuss with their line manager. When an employee shares issues about the menopause, you should gain an understanding of what the employee is likely to need from you. You can use the information provided in this guidance to help you start a conversation about the menopause, advise that staff can access resources via the Menopause information sites listed as part of this guidance. There are helpful for signposting advice to staff. Use the Symptoms Template (Appendix 2) to enable the conversation.

You should:

- Ensure that all information shared by the employee is treated in the strictest confidence and is not shared further without the employee's consent.
- Listen and gain an understanding of any concerns your employee has about their issues or symptoms, avoiding assumptions.
- Discuss timescales and leave requirements if this has been raised as part of the discussion. It is worth underlining that perimenopause and menopause symptoms do not have an indicative timeline for resolution.
- Take account of individual and business needs but be supportive when dealing with requests for work flexibility or leave, being mindful of the importance of being supportive of attendance at appointments and the unpredictability of symptoms.
- If more support is needed, you will find it helpful to agree a support plan to identify the adjustments made to the working arrangements of that staff member.

7. Line managers top tips for good practice:

- Be prepared to discuss the points that the member of staff bring to them - promote supportive conversation about the menopause and its effects and be aware of the personal nature of these conversations: this can be a subject that requires sensitivity and must be kept under review as there is no defined end date. (Use Appendices 1 and 2)
- Be open to a request that someone supports them in the conversation because of the personal nature of the discussion.
- Recognise that every experience of the menopause will be individual. Don't use your own personal experience, or that of any friend, relatives, or other staff members to measure whether you believe that the staff member's symptoms are reasonable.
- Consider any change in impacting performance, attendance, or behaviour and whether the impact of menopause and its distressing symptoms may be an issue do not launch capability or conduct processes before these elements have been reasonably considered.
- Provide dedicated time and quiet space for 1:1s; promote [illegible] full support, signposting and into organisational resources such as associated guidance, flexible working, special leave, and any changes to the working environment such as quiet space that you can facilitate. (Use Appendices 1 and 2)
- Set and demonstrate expected standards of behaviour.
- Where additional support is required, provide information on specific health and wellbeing services.
- Promote a culture and environment that values diversity, with dignity, respect, fairness, and equality.
- Don't tolerate [illegible] that you consider to be 'workplace banter'.
- Be aware most cisgender women (and some trans, non-binary and intersex colleagues) will experience a menopause; specific information is available via the (Menopause Network and appendix 5.)
- Be aware there is a subjective range of symptoms from vasomotor (hot flushes) to mental ill-health, dryness of the eyes, excessive bleeding, brain fog and aphasia (losing words mid-sentence); all of which could present colleagues in a less favourable way.
- Discuss and agree any reasonable flexible working arrangements request - consider night sweats and/or insomnia which may require working from home or flexible working hours. Any issues that have been raised in terms of home working space, flexibility, caring responsibilities, and anxiety for example because of working more distanced may need longer term support.
- Short notice leave of absence may be required to manage exacerbation of symptoms; lengthy periods of back-to-back meetings may need to build in comfort breaks if heavy bleeding is experienced.
- Reasonable adjustments may be part of your formal organisational offer in relation to disability and should be considered in instances where required for menopause. (See appendix 6)
- Work with the employee to consider physical working areas that minimise the distress they may suffer considering, for instance, access to ventilation and private space when needed.

8. Guiding Principles for all Staff (see appendix 9 and 4)

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- C n den ia men a e e mai e m a e

Appendix 3.

A note about COVID-19

The law and the menopause

> The menopause is... an important gender- and age-equality issue and should be part of an organisation's approach to developing inclusive workplaces that support women's progression at work throughout their employment lifecycle.
>
> From the CIPD guidance 'The Menopause at Work: a guide for people professionals' www.cipd.co.uk/menopause

The Equality Act

Under the Equality Act 2010 it is unlawful to discriminate against people at work because of a protected characteristic. The protected characteristics include age, disability, and sex.

Age discrimination is when you are treated differently because of your age. Indirect age discrimination can be the result of a rule or policy which puts people within a certain age group at a disadvantage.

Sex discrimination is when you are treated differently because of your sex. Indirect sex discrimination can happen when an organisation has a particular practice or a way of working that applies in the same way to both sexes, but which puts a woman at a disadvantage because of her sex unless it can be objectively justified.

Therefore, if a woman experiencing the menopause is treated detrimentally because of menopausal symptoms and these are not considered within policies or practices, it could potentially give rise to sex and age discrimination.

Case law

In the case of Merchant v BT PLC 2012, the employee was found to have suffered from direct sex discrimination and an unfair dismissal. Ms Merchant was dismissed for poor performance, but her manager failed to consider her menopausal symptoms, even though she had given the manager a letter from her GP outlining her impaired concentration. The manager should have investigated her health or [illegible] her menopause further, but instead he made stereotypical assumptions based on his own knowledge of the experience of his wife and a colleague.

The tribunal decided that the manager would never have adopted this bizarre and irrational approach with other non-female-related conditions or treated a man suffering from ill-health with comparable symptoms in this way.

Under the Equality Act, a disabled person is defined as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

Employers have a duty to make reasonable adjustments for disabled workers, where failure to do so would place the disabled worker at a substantial disadvantage compared to non-disabled workers. They must not treat employees less favourably than others because of a disability.

In some circumstances, menopausal symptoms may meet the Equality Act definition of disability.

Case law

In the case of Davies v Scottish Courts and Tribunals Service, the employee was found to be unfairly dismissed and to have suffered from disability discrimination. The tribunal considered that Mrs Davies was disabled as defined by the Equality Act because of the substantial and long-term menopausal symptoms which caused memory loss and confusion.

A mix-up occurred at work about whether her medication had been added to a jug of water or not. The workplace disciplinary panel decided that she had deliberately misled them, and she was dismissed for gross misconduct. This dismissal meant that the employee was treated unfavourably because of something arising in consequence of her disability i.e., her menopausal symptoms. The employment tribunal found that the action of dismissal was not justified.

ACAS has introduced new codes of practice surrounding flexible working.

Health and Safety at Work Act 1974 and The Management of Health and Safety at Work Regulations 1999

The Act requires employers to ensure the health, safety and welfare of all workers. The Regulations require employers to assess the risks to health (including stress-related conditions) arising from work-related activities, ensuring that the hazards are removed, or proper control measures are put in place to reduce the risks so far as is reasonably practical.

Therefore, employers should include the consideration of specific risks for women experiencing the menopause.

Appendix 6

Women with disabilities and the menopause

Appendix 8

Policy Template available

This Policy Template has been made available to Adult Social Care organisations by Jackie McBurnie Chair of the NHS/Improvement Menopause Network and member of the Cross Government Network Executive Steering Committee.

Appendix 9

Menopause Information, Reference, and Resources

Guidance references:

https://www.womens-health-concern.org/help-and-advice/factsheets/menopause/

Menopause Awareness Webinar:

Menopause Awareness, Jackie McBurnie

The Fawcett Society

https://www.fawcettsociety.org.uk/menopauseandtheworkplace

Daisy Network

Daisy Network provides information and support for women diagnosed with Premature Ovarian Insufficiency, also known as Premature Menopause.

https://www.daisynetwork.org

The Menopause Exchange

The Menopause Exchange gives independent advice about the menopause, midlife and post-menopausal health. They send out a free quarterly newsletter with help from various health and other experts.

www.menopause-exchange.co.uk

NHS information

www.nhs.uk/conditions/menopause

www.nhs.uk/conditions/early-menopause

NICE guidelines on ‘Menopause: diagnosis and treatment

NICE guidelines provide advice on the care and support that should be offered to people who use health and care services.

Women’s Health Concern

A charitable organisation [illegible] the patient arm of the British Menopause Society that aims to help educate and support women with their healthcare by providing unbiased, accurate information.

www.womens-health-concern.org

The Menopause Friendly Accreditation

can apply for The Menopause Friendly accreditation or membership.

https://menopausefriendly.co.uk/membership-join

ACAS

Advisory, Conciliation, and Arbitration Service

www.acas.org.uk

The Menopause Exchange

The Menopause Exchange gives independent advice about the menopause, midlife and post-menopausal health. They send out a free quarterly newsletter with useful impartial help and support.

www.menopause-exchange.co.uk

Menopause cafés

At a menopause cafe people, often strangers, gather to eat cake, drink tea and discuss menopause. The website includes guidance on how to set up your own menopause cafe.

www.menopausecafe.net

Manage my menopause

Website for tailored menopausal advice for individuals provided by experts.

www.managemymenopause.co.uk

My Menopause Doctor

A website that aims to help empower women with necessary information to make informed decisions regarding any treatment they may take to help turn the menopause into a positive experience that does not negatively impact their lives.

www.menopausedoctor.co.uk

Period Poverty Update

https://www.re[illegible]ner[illegible]29.com/en-gb/period-poverty-cost-of-living