Headway
the brain injury association

Employers' guide to brain injury

This publication has been written for employers of an employee with brain injury. It describes what brain injury is, how it might affect your employee, how you can best support them and your legal responsibilities in this area.

www.headway.org.uk
0808 800 2244

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Introduction

Brain injuries are more common than many people realise. Every year, around 350,000 people are admitted to hospital with a brain injury related diagnosis that can affect their functioning for months, years, or even permanently. Even with treatment and rehabilitation, many people will continue to have ongoing difficulties that require support and understanding from others in their life, including employers and colleagues.

This publication has been written for employers of an employee with brain injury. It describes what brain injury is, how it might affect your employee, how you can best support them and your legal responsibilities in this area.

You can talk through this information with our helpline on 0808 800 2244 (Monday - Friday, 9am - 5pm) or helpline@headway.org.uk, although please note that the helpline is not an employment service and therefore cannot give specialist employment advice.

What is brain injury?

A brain injury is an injury sustained to the brain since birth. There are many possible types, including....

- Traumatic brain injury (TBI) - this is a type of brain injury sustained as a result of trauma to the head. The most common causes of TBI are assaults, road traffic collisions and falls. In some cases, a seemingly minor knock to the head, such as bumping one's head against a high shelf, may cause a mild TBI, known as concussion. While termed 'mild', this type of injury can still cause a range of effects and in some cases can cause long-term problems, known as post-concussion syndrome.
- Stroke
- Brain aneurysm
- Brain haemorrhage
- Meningitis
- Encephalitis
- Hypoxia/ anoxia
- Brain tumour
- Carbon monoxide poisoning
- Hydrocephalus

Under the Equality Act 2010, someone is considered as having a disability if they have *"a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal activities.*"

Many people with a brain injury will be covered under this definition, as a brain injury can have long-term and life-changing negative consequences affecting many different domains of life, including work. Therefore, even if your employee doesn't 'look like' they have a disability, they may be classified as having one under the Equality Act 2010.

How do I know that my employee has had a brain injury?

In most cases, your employee or their family will be the one to tell you that they have had either a recent or past brain injury. This might be during their period of employment with you, in a job application or during a job interview.

Remember, you can only ask people relevant questions about their disability if it is essential to the requirements of the job or you are making reasonable adjustments/arrangements for support.

Your employee might have been in hospital or had a period of sick leave due to their brain injury. However, not everyone who sustains a brain injury is admitted to hospital, and in some cases a person might not even have a formal diagnosis, for example if they have recently hit their head while exiting a car and not seen their GP about their symptoms yet.

Your employee might be able to provide medical evidence relating to their brain injury, such as reports from GPs, neurologists or psychologists. If someone was treated in hospital for a brain injury, there may also be hospital discharge records available.

Brain scans such as CT and/or MRI may have been carried out to investigate the brain injury. However, brain injuries are not always detected by scans so should not be relied on as the only form of evidence.

How might brain injury affect my employee in the workplace?

A brain injury can cause a range of effects, including physical, emotional, cognitive and behavioural effects. Details of some of

the most common effects of brain injury are available on our website at www.headway.org.uk.

In this section, we cover some of the common ways that a brain injury can affect an employee in the workplace. The actual impact of the brain injury will depend on the nature of your workplace, the role your employee has and the effects they personally experience as this will vary between people. You should therefore only use the below information as a general guide, and have an honest and open conversation with your employee about their personal injury.

Fatigue

This is described as an overwhelming tiredness that can come seemingly out of the blue, but often follows periods of activity or concentration. When feeling fatigued, there might also be difficulties with concentration, processing information, feeling 'foggy headed' or other signs of tiredness such as yawning.

Fatigue is not the regular feeling of tiredness that we may feel after a busy day. It is one of the most common effects of brain injury and may be a particular issue in the workplace, where people are often required to concentrate for long periods of time.

How can you help an employee with fatigue?

- Provide a quiet room or space that your employee can rest in when they start to feel tired.
- Allow your employee to take regular breaks.
- Familiarise yourself and others with your employee's signs of fatigue, and encourage them to rest when you notice this.

- Allow flexible working hours to accommodate for fatigue patterns.

- Encourage your employee to use self-help techniques for managing fatigue, such as those listed in our publication *Fatigue after brain injury*.

Memory problems

Problems with remembering information is a very common effect of brain injury. Different types of memory can be affected, however common issues within the workplace include difficulties with remembering appointments, previous meetings, instructions, tasks to do and deadlines.

How can you help an employee with memory problems?

- Provide your employee with memory aids such as notebooks, Dictaphones, wall planners, calendars, etc, and encourage them to use these to help with remembering information.

- Encourage your employee to take notes during meetings and to keep these in a safe place.

- Provide regular reminders to your employee for upcoming meetings or events.

- Regularly 'check in' with your employee to make sure that they have remembered key tasks, for instance through regular supervisions.

- Encourage your employee to use self-help techniques for managing memory problems, such as those listed in our publication *Memory problems after brain injury*.

Problems with concentration or over-overstimulation

Struggling with concentration is a common issue after brain injury. Environments where there is lots of noise, movement, conversations and brights lights can be especially problematic due to the many distractions present. Many work environments fit this description, and so can be challenging for brain injury survivors.

How can you help an employee with concentration or overstimulation problems?

- Provide a quiet room or space for your employee to work in, or for them to rest in when needed.
- Allow your employee to wear noise-cancelling headphones or sunglasses while working if these are helpful and safe for them to do so.
- Try not to disturb or interrupt your employee when they are focusing on their work as it might be especially difficult for them to regain their focus afterwards.
- Allow your employee extra time to get tasks done.

Problems with executive function

The term 'executive function' describes a collection of thinking skills that we use when solving problems, making decisions, planning and completing tasks, and reflecting on our activity. After brain injury, these skills can be impacted, known as executive dysfunction. This can cause difficulties with meeting deadlines, organising oneself, planning and seeing a project through and evaluating performance.

How can you help an employee with executive dysfunction?

- Allow extra time for your employee to get tasks done.
- Keep your employee's tasks focused so that they do not have too many projects or responsibilities at a time.
- Set your employee joint projects with other colleagues so that they can work together and support your employee to stay on track.
- Give regular feedback, praise for good performance, and incentives to keep your employee motivated.
- Help your employee to break larger tasks down into smaller, more manageable ones.

Difficulty with handling stress and emotions

A brain injury can be a life-changing experience that can affect multiple domains of life including identity, independence and relationships. Living with the many effects of brain injury and processing the changes can be difficult for people, and it may cause them to feel stressed, depressed or anxious.

How can you help an employee with handling stress and difficult emotions?

- Encourage your employee to speak up if they are feeling stressed or overwhelmed with work.
- Make it a priority to discuss emotional wellbeing with your employee.
- Find out what aspects of the job are causing your employee

to feel stressed and discuss ways in which you can best support them.

Mobility issues

A brain injury can cause weakness or paralysis of limbs. There may also be tremors, spasms, dizziness or pain that can cause mobility issues, such as slow movement. Some brain injury survivors rely on mobility aids such as wheelchairs.

How can you help an employee with mobility issues?

- Provide your employee with equipment that would make them comfortable and well supported, such as comfortable seating or grab rails.
- Ensure walkways are clear and free from clutter.
- Ensure that your employee has a current PEEP (Personal Emergency Evacuation Plan) in place.
- Do not ask your employee to do work that would put them at risk of harm.
- Ensure the workplace environment is accessible for your employee, for instance making sure that there are accessible toilets available to them and ramps if they are wheelchair dependent.

Behavioural issues

Behaviour can be different after brain injury. There may be disinhibition, where a brain injury survivor does or says things that are socially unacceptable such as swearing or making rude comments in public. The survivor might be more prone to outbursts of irritation or anger, which may turn into aggression.

Inappropriate comments may be made, which can also be sexual in nature.

How can you help an employee with behavioural issues?

- Encourage open communication between your employee and other employees, so that others are more likely to be understanding of their behaviour.

- Recognise that inappropriate behaviour can be a consequence of brain injury and try to treat your employee fairly.

- Remind your employee gently but firmly that they need to stop what they are doing if they are behaving inappropriately within the workplace.

- Offer frequent supervisions to discuss and review your employee's behaviour.

- Agree on a key word or action that you can use if your employee's behaviour is inappropriate and you need to offer a reminder.

- Try not to allow situations to escalate if your employee is upset or angry about something - discourage other colleagues from shouting back, and encourage the employee to remove themselves from the situation so that they have a chance to calm down.

- Provide a quiet space free from distractions for the employee to calm down in if needed.

- Reflect with the employee on any incidents of inappropriate behaviour and consider what you could both do differently

next time.

- Treat your employee fairly, but remember that you have a legal responsibility to keep others safe. Depending on the extent and severity of the inappropriate behaviour, you might need to call services such as security or the police. However, in these instances, encourage the employee to disclose their brain injury or to show their Brain Injury Identity Card so that appropriate support can be offered.

Communication difficulties

Your employee might have slurred speech or struggle with word-finding after brain injury. They might repeat certain words or phrases, or talk quieter or more loudly than needed. Such communication difficulties can be frustrating for your employee, especially if they are struggling to make themselves understood by others.

How can you help an employee with communication difficulties?

- Allow the employee extra time to share what they want to say. Try not to interrupt them when talking, and do not 'jump in' to try and finish sentences off for them.

- Encourage the employee to use communication aids such as letter boards if needed.

- Set extra time for meetings with your employee so that they do not feel rushed.

- Communication difficulties can be frustrating for some people, especially when they cannot recall the words that

they want to say. Reassure your employee that they can take their time, and try not to get frustrated with them.

What are my legal responsibilities?

Under the Equality Act (2010), a disability is defined as someone having "*a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal daily activities*."

Within this definition...

- 'substantial' means more than just minor or trivial
- 'long-term' means that the impairment has lasted or is likely to last for at least 12 months or for the rest of the person's life
- 'normal daily activities' means everyday things like eating, washing, walking, going shopping and employment

Some conditions are automatically treated as a disability, including cancer, a visual impairment, multiple sclerosis, an HIV infection, or a severe, long-term disfigurement. For other conditions, such as brain injury, your employee might need to explain how they classify as having a disability under the Equality Act. However, in many cases this is clear enough.

Under the Equality Act, employers have a legal responsibility to make 'reasonable adjustments' for disabled employees. Reasonable adjustments can include:

- Allocating some of the employee's work to someone else who is willing to take on the additional responsibilities;
- Transferring the employee to another post or place of work

that is more suitable for them;

- Making adjustments to the building in which the employee works such as installing ramps;
- Allowing flexibility with the employee's working hours to accommodate for fatigue;
- Providing training, or retraining;
- Providing specialist equipment;
- Making instructions and manuals more accessible.

The adjustments most helpful to your employee will depend on the nature of their injury and the effects that they experience. It is therefore always helpful to start off by having an open and honest conversation with your employee about their difficulties and how you can reasonably accommodate for these.

Research suggests that the following adaptations are particularly effective for many people returning to work after brain injury.

Ensuring a tailored approach to the employee's needs

Remember that no two brain injuries are exactly the same and the support that your employee will find most helpful will be personal to them.

Providing support early on in the employee's return to work

Be proactive with providing support. Consider doing this before your employee has formally returned, for instance arranging for a 'return to work interview'.

Ensure involvement of both the employee and employer

Be actively involved in supporting your employee and listen to what they tell you about their injury and support needs.

Make workplace accommodations

Some suggestions for this are provided in the previous section.

Allow your employee to practice work and undergo training

Offer workplace skills training or retraining opportunities, including social skills if this is an issue for your employee.

Other things to consider

- Do not pressure your employee into rushing back to work. Encourage them to return only when they feel ready. Returning too soon might be counterproductive as it might be too exerting or stressful for them and might make them feel even worse.

- The effects of brain injury can fluctuate. This can be on a weekly, daily, or even hourly basis, such as with fatigue. Be mindful and understanding of this. Issues such as fatigue or anxiety might be particularly problematic for your employee during busy periods.

- Be aware of the various forms that disability discrimination can take. Further guidance on this topic is available in our publication *Discrimination after brain injury*.

- It is your legal duty to make reasonable adjustments for a disabled employee. However, an employee can be legally dismissed if you have tried to make reasonable adjustments and it is still not possible or safe for them to do the job satisfactorily or safely. In this case, it is best to start off by having an open and honest discussion with your employee and considering whether they can complete any other roles within the workplace.

Sources of support

Further information and guidance is available from the following organisations.

The organisations listed below are provided for information purposes only. Their inclusion does not imply endorsement, recommendation, or approval by Headway. Users should make their own assessment of any organisation or service before engaging with them.

- The **Health and Safety Executive** can offer plenty of advice on and safety matters within the workplace, including conducting risk assessments: www.hse.gov.uk/simple-health-safety/risk/index.htm.

- The **Advisory, Conciliation and Arbitration Service (ACAS)** can provide independent advice on employment related matters: www.acas.org.uk.

- To learn more about brain injury, consider undertaking one of our **training courses**. For information on this, visit www.headway.org.uk/about-brain-injury/professionals/training.

- The **Business Disability Forum** can offer advice and guidance on disability in the workplace: www.businessdisabilityforum.org.uk.

- The **Equality and Human Rights Commission** can provide advice on equality and human rights within the workplace: www.equalityhumanrights.com.

We hope that this has been a helpful resource. Please consider sharing your feedback with us by scanning the QR code or by visiting our publication feedback survey https://uk.surveymonkey.com/r/hwpublications.

Learn more and support our work at www.headway.org.uk/get-involved.

This information was last reviewed in 2023.

We're here to listen.

If you need support, or have a question about brain injury, contact our free nurse-led helpline:

0808 800 2244
helpline@headway.org.uk

0115 924 0800 | enquiries@headway.org.uk
www.headway.org.uk

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