

“Fit Notes” – Management Guidance

Background

From 6 April 2010 the ‘sick note’ is changing to become a ‘fit note’.

Under the old sick note system, doctors could only advise their patient on whether their health condition meant that they should or should not work. As a result many people who could benefit from support whilst in work, would be advised that they could not work. Their employers would not have had the opportunity to consider how they could help them achieve an earlier return to work.

To help more people get the support they need to get back to work the new fit note system will mean that doctors can advise that the employee is either:

- unfit for work; or
- may be fit for work.

A doctor will give a ‘may be fit for work’ statement if they think that their patient’s health condition may allow them to work if they get suitable support from their employer. If an employee is too ill to work the doctor will advise this just like with the sick note.

The main changes are:

- the removal of the fit for work option;
- a new option for a doctor to advise if an employee may be fit for work with some support;
- more space for a doctor to provide information on how your employee’s condition will affect what they do
- helpful tick boxes for doctors to use to suggest common ways to help a return to work.

What stays the same?

- The form can still be used as evidence for why an employee cannot work due to an illness or injury;
- the Statement is still not required until after the 7th calendar day of sickness;
- the information on the form is still advice to your employee. It is not binding on you;
- the requirements for the payment of Statutory Sick Pay have not changed; and
- employers’ obligations under the Disability Discrimination Act have not changed.

How does this affect our attendance management procedures?

The main change is that the certificate will give managers more detailed information about the employee's fitness for work. If the employee 'could be fit to work', the manager needs to arrange to meet with the employee to discuss return to work options using the fit note for guidance. It is the manager's decision after discussing the statement with the employee, how to act on the doctor's advice. When considering the doctor's advice, you should always consider if the advice is consistent with any specific work restrictions that the doctor may not be aware of. Advice and support in this area will continue to be provided by the HR Employee Relations Team. Where required, the manager can still refer the employee to Occupational Health, although it is anticipated that fewer cases may need to be referred as a result of the fit note.

Fitness for work

The GP will use the fit note to indicate one of the following options;

Not fit for work – this means that the doctor's assessment of your employee is that they have a health condition that prevents them from working for the stated period of time. This is just like on the old 'sick note' where the doctor advises your employee to "refrain from work".

May be fit for work taking account of the following advice – this means the doctor's assessment of your employee is that their condition does not necessarily stop them from returning to work. For example, they could return to work but may not be able to complete all of their normal duties, or they could benefit from amended working hours. **If it is not possible for you to provide the support for your employee to return to work, you and your employee should use the Statement as if the doctor had advised 'not fit for work'. Your employee does not need to return to their doctor for a new Statement to confirm this.**

If you agree with your employee that they can return to work, prior to the end of their GP certificate, you do not need to wait until the end of the statement period for them to do so. If the employee indicates that they are fit for work but you are concerned that they may not be, you should arrange a referral to Occupational Health, who will advise on their fitness for work.

Role of Occupational Health

While it is recognised that the new fit note scheme may reduce the need to refer straightforward cases to Occupational Health, there are limitations on the advice the employee's GP can offer. For more complex cases it is anticipated that we will continue to take advice from Dr Lubin, our Occupational Health Physician. The benefits of access to an Occupational Health scheme is built into the new fit note process. If you are unsure whether you need to refer to Occupational Health please seek advice from the HR Employee Relations Team.