

Statement of Fitness for Work

Managers Guidance

From 6th April 2010 the sick note currently provided by GP's is changing to become a "Statement of Fitness for Work" or "fit note".

At present a GP can simply advise whether or not an employee is fit for work. From 6th April 2010 they will be able to advise that either

(a) An employee is unfit for work

This means that the doctors assessment of the employee is that they have a health condition that prevents them from working for the stated period of time. This is equivalent to the current sick note.

OR

(b) An employee may be fit for work if certain adjustments can be made

This means that the doctor's assessment of the employee is that their condition does not necessarily prevent them from returning to work. For example they may be able to return to work more quickly if they could be offered a phased return or a temporary adjustment to their normal duties.

If a GP states that an employee may be fit for work they will then have four options that they can select from in terms of adjustments that would help the employee to return. These options are

- A phased return to work
- Altered hours
- Amended duties
- Workplace adaptations

Where a GP selects any of these options (and they can select more than one) they should provide additional details on the nature of the adjustments required

This advice is akin to that currently provided by Occupational Health. It is however unlikely to go into the same depth as the GP will not have the same level of knowledge of the employees role or the ways in which it could potentially be adjusted.

The following section provides a list of frequently asked questions in relation to the changes

1. What will the fit note look like?

It will look similar to the current sick note. Appendix 1 shows a sample fit note along with an explanation of each of the fields.

2. What should I do if I receive a fit note stating that my employee “may be fit for work”?

The statement has been designed to give you the information needed to begin a discussion with an employee on whether or not they can return to work despite their illness or injury. You should consider the doctors comments and discuss them with the employee. If a return to work is possible you should agree any temporary changes to the job or hours, any other support that might be required and how long these changes will be put in place for. Once the employee has returned to work this should be monitored to ensure the adjustments are working in the best interests of the employee and the service.

If a return to work is not possible then the statement should be used as if the doctor had advised that the employee was not fit for work. **The employee does not need to return to the doctor for a new statement to confirm this.**

As at present all discussions with an employee regarding any adjustments and/or their potential return to work should be documented, signed by both parties and kept on the employees file.

3. Is the advice in the statement binding

No, the changes are designed to provide more information on an employees potential work capabilities but it is your decision as to whether or not the adjustments suggested are feasible within your service. Any adjustments suggested on the fit note should be fully discussed with the employee and if they cannot be implemented the employee must be made aware of the reasons for this.

4. Do I need to involve Occupational Health in any decisions regarding an employee’s fitness to return to work?

It will not be necessary to involve Occupational Health in all decisions regarding an employee’s fitness to return to work. The advice that will be provided on the fit note will be akin to that currently provided by Occupational Health. The key difference however will be that the employees GP will not be party to any detailed information regarding the job that the employee does or the implications of any suggested adjustments.

In more straightforward cases where the suggested adjustments can be accommodated it will not be necessary to refer the employee to Occupational Health. However in more complex cases Occupational Health will continue to provide specific advice in relation to an employee’s fitness for work. It will also be possible for a GP to specifically recommend a referral to Occupational Health on the fit note if they feel this would be beneficial.

If you are unable to reach agreement with an employee regarding their fitness to return to work then it would be advisable to make a referral to Occupational Health.

Advice should be taken from Human Resources if you are unsure as to whether or not a referral to Occupational Health is required.

5. How long should any adjustments be put in place for?

On the statement the doctor will state the period of time their advice is for. When agreeing a return to work plan you should always be clear on the length of time any adjustments are for. It is recommended that adjustments should **normally** be put in place for a maximum of 4 – 6 weeks. If at the end of this temporary period the employee remains unable to return to work further advice should be sought from Occupational Health in relation to their ability to return to work

6. Will I get a statement confirming that an employee is fully fit to return to work?

No, doctors will no longer have an option to advise that an employee is fully fit for work, nor is it necessary for employees to receive such sign off in order to return to work. The emphasis will be on assessing the feasibility of any adjustments suggested and if they can be accommodated the employee will be deemed as being fit to return to work.

If you have concerns regarding an employees fitness to return to work following the implementation of suggested adjustments a referral should be made to Occupational Health for a more detailed assessment of the employees capabilities.

7. What should I do if an employee wants to return to work before the end of a “not fit for work” statement?

Sometimes an employee may be able to return to work before the end of the period for which their doctor has advised they are not fit for work. This may be due to the employee recovering faster than expected or due to the identification of additional adjustments that could be made in relation to their role. If you agree with an employee that it is appropriate for them to return you do not need to wait until the end of the statement period for them to do so, nor does the employee need to return to their GP for confirmation that they are fit to return.

In all such cases it is important that the risks to both the employee and the council are fully discussed (and that these discussions are documented and agreed by both parties) prior to making a decision about whether an employee can return to work. In cases where an employee has been absent for a significant period of time, or where there are concerns regarding their fitness to return, a referral should be made to Occupational Health.

8. What should I do if I offer support to an employee to help them to return to work and they still feel unable to return

In this case a referral should be made to Occupational Health fully detailing the nature of the employees condition, the nature of their role and all adjustments that were suggested to aid their return to work. Occupational Health will then be able to provide fuller advice on whether or not the adjustments suggested should enable the employee to return to work or, whether alternative adjustments should be considered.

9. How does this affect the Disability Discrimination Act

The obligations to make reasonable adjustments in the case of employees covered by the DDA has not changed. In the majority of cases where an employee is covered by the DDA advice should be sought from Occupational Health, in addition to the information provided on the fit note. As at present careful consideration should be given to the feasibility of any adjustments suggested and these implemented wherever it is reasonable to do so.

10. Will the fit note make any recommendations regarding alternative employment?

Not specifically. The fit note can recommend adjustments to a role (e.g. the avoidance of heavy lifting) but will not specifically recommend alternative employment on either a permanent or temporary basis. If however the fit note suggests significant adjustments to an employees role then this may be an indication that alternative employment should be considered and the employee should be referred to Occupational Health for specific advice on this issue.

Appendix 1 – Sample Statement of Fitness for Work

Statement of Fitness for Work
For social security or Statutory Sick Pay

Patient's name **1**

I assessed your case on: **2**

and, because of the following condition(s): **3**

I advise you that: **4** you are not fit for work.
5 you may be fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:

a phased return to work **6** amended duties
 altered hours workplace adaptations

Comments, including functional effects of your condition(s):
7

This will be the case for **8**

or from **9** to

10 I will/will not need to assess your fitness for work again at the end of this period.
(Please delete as applicable)

Doctor's signature

Date of statement

Doctor's address **11**

Med 3 04/10

Detailed form description

- 1 The name of your employee.
- 2 The date of the doctor's assessment of the employee. An assessment can mean a face to face consultation, a telephone consultation or the consideration of a written report from another doctor or registered healthcare professional.
- 3 The condition or conditions that affect your employee's fitness for work.
- 4 This box will be ticked when the doctor's assessment of your employee is that they have or had a health condition that prevents them from working for the stated period of time. This is strong evidence of your employee's fitness for work for Statutory Sick Pay purposes.
- 5 This box will be ticked when the doctor's assessment of your employee is that their condition does not necessarily stop them from returning to work. However, they may, for example, not be able to complete all of their normal duties or could benefit from amended working hours.
- 6 These four tick boxes represent common ways to aid a return to work. The doctor will tick one or more of these options when they feel they could help your employee return to work. This list is not exhaustive and there may be other ways to help your employee return to work. Further information on each of these is included on page 11.
- 7 Where the 'may be fit for work' box has been ticked, the doctor will add information on the functional effects of your employee's condition and what could help a return to work. Where a doctor feels an assessment by an occupational health professional is required, they will state it here.
- 8 Here, the doctor will state the period the advice covers for a forward period, which during the first 6 months of sickness can be up to a maximum of 3 months. Any period in days

refers to calendar days not working days. In some cases your employee will be able to return, with your agreement, to work or their normal duties before the end of this period. If this happens they will not need to see the doctor again for another Statement.

- 9 The doctor will use this section when they wish to state precise dates for the period during which the advice applies. This will be for one of three reasons:
 - the Statement covers a period based on a previous assessment during which a Statement was not issued (for example because the doctor did not have any forms with them); or
 - the Statement is for less than 14 days and the doctor does not need to see your employee again; or
 - the doctor believes it will be helpful to state a specific date for your employee to return to work as part of their recovery.
- 10 The doctor will state here if they need to assess their patient's fitness for work again at the end of the Statement period. Where the doctor does not need to see the patient again, in most cases you can expect your employee to return to work or their usual duties at the end of the Statement period. If the doctor needs to see the patient again and during the subsequent consultation they feel your employee is able to return to work without any functional limitations, the doctor will not issue your employee with a new Statement.
- 11 The doctor will sign, date and stamp or print their address on the Statement.