

The new fit note

A new 'fit note' is going to be introduced in place of the doctor's sick note on 6 April 2010 if Parliament approves the changes. The fit note should outline what work an employee can do and is intended to help more people stay in work rather than drift into long term sickness.

Fit note is the informal name for the new Statement of Fitness for Work and will be used in England, Scotland and Wales. It will give more information than the present doctor's sick note. The main changes will mean:

- The GP will be able to say if they think a patient is either 'not fit for work' or 'may be fit for work'.
- The GP can add advice to the note for the employer on how simple changes to their job may allow them to return to work earlier.
- There should be fewer kinds of medical statement forms issued by GPs.

A sample of the new fit note from the Department of Work and Pensions' website is attached to this document.

As you can see from the attached example, the 'may be fit for work' option includes a statement that says 'taking account of the following advice'. This acknowledges that it is not the doctor, but the employer, in consultation with their employee, who is best placed to make the decision as to whether they can accommodate any changes to facilitate a return to work.

The Government based this decision on its belief that "doctors completing the medical statements do not have the knowledge or expertise about an individual's job role and the risks involved". It concluded that they do not need to have such knowledge, or any special occupational-health expertise, as suggestions made by them "should be based on the patient's health condition and not job-specific". It is therefore the employers' responsibility to carry out a risk assessment when an employee returns to work to ensure there is minimal risk to them and others in the workplace.

Partner at international law firm Eversheds, Simon Rice-Birchall comments: "Employers will need to look carefully at how they manage sickness absence. Those with carefully considered return-to-work programmes will be better placed to benefit from the new regime. In contrast, employers who fail to engage with the new approach could find themselves at an increased risk of disability discrimination claims. This is because a new style report might highlight changes that an employer could make to the employee's duties or workplace that would help them return to work sooner."¹

The new fit note has been developed with the support of healthcare professionals, employer representatives and trade unions. The Government has promised to issue specific guidance on the system for individuals, employers and health-care professionals, and will be launching a communications campaign to raise awareness of the change.



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Fit notes and sick notes:

2.6 million people claimed incapacity benefits in May 2008. The new fit note should help people to get advice about staying in work, and if they can't work what their employer can do to help them return to work sooner. For example, if the employee has a problem with mobility, a job where they can work sitting rather than standing may be suggested.

Lord Bill McKenzie, Work and Pensions Minister, said: "Employers tell us that managing sickness absence can be a challenge. This is compounded by a 'sick note' system that makes sickness absence a black and white issue - either you are unfit for work or you are not. We recognise how important it is to help people who are sick to stay in work or get back to work quickly - the new fit note should help do just that."

How the changes will help employees and employers:

Research shows that long periods out of work can lead to poorer health and working can be good for your physical and mental health and well-being. The longer someone is absent through illness, the less likely they are to return to work. Work may aid an employee's recovery from illness. The new fit note aims to benefit both employees and employers, by helping people back to work as soon as possible. Employees may benefit from better health and well-being because they have gone back to work. Employers should be able to keep skilled staff, contributing to the success of the business and reducing sickness absence.

Reference:

1. Evershed Press Office, (29 January 2010). *Eversheds comment: Fit notes to replace sick notes in April 2010*. Available: <http://press.eversheds.com/content/Detail.asp?ReleaseID=1502&NewsAreaID=328>

The information in this article was sourced from:

2. Safety and Health Practitioner (The official magazine of IOSH) <http://www.shponline.co.uk/>.
3. Directgov. <http://www.direct.gov.uk>

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**Statement of fitness for work
For social security or Statutory Sick Pay**

Patient's name

I assessed your case on:

and, because of the following condition(s):

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

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

<input type="checkbox"/> a phased return to work	<input type="checkbox"/> amended duties
<input type="checkbox"/> altered hours	<input type="checkbox"/> workplace adaptations

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

Sample

This will be the case for
or from to

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

Med3 04/10



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