

Fit Notes – HR Factsheet



From 6 April 2010 fit notes replaced the doctor's sick note that has been in existence for sixty years. It is intended that this new system will enable employees to get back to work more quickly and reduce absence costs, which cost the UK economy 17.3 billion annually. Research done by Dame Carol Black, prior to the implementation, shows being at work has a beneficial effect on people's health. The system will focus on what employees can do rather than what they can't do focusing on positives rather than negatives. GPs across the UK have had training and will be monitored for effectiveness.

The fit note, a copy of which can be downloaded from www.direct.gov.uk, has some key changes from the old doctor's note system with new advice options for completion and no need for the employee to return to the GP to be confirmed fit; the fit note merely expires. Once the system is up and running fully, the fit note will be emailed to employers with a copy given to employees. If the employer has not received a copy of the fit note they can demand to see one.

However, as with the old sick note, the new fit note will still be required after seven consecutive days sickness, there is no change to SSP and no change to obligations under the Disability Discrimination Act; any advice in this respect could be binding.

The first fit note issued by the GP can last for a maximum period of three months when hopefully the employee will be back at work. However a subsequent fit note can be issued for a longer period eg six months. There is no need for a GP to have a face to face assessment of their patient to issue a fit note, it can be done over the telephone.

Sets the Scene for a Discussion

The GP's advice on the fit note is not binding; it is meant to lead to a discussion between employee and employer. If an employee or an employer do not agree with the fit note's reasonable adjustments due to impracticalities in the workplace either can choose not to accept these and the employee can remain off sick until the expiry of the fit note.

Likewise if an employee wishes to return to work earlier than the fit note states, they may do so provided the employer is in agreement. However, in such cases, employers need to be wary of employees wishing to return to work for financial reasons and not being fully fit. To overcome potential liabilities, employers could implement a risk assessment, discuss concerns, ask the employee to go back to the GP or use occupational health advice to back up a decision.

Key Role of Line Managers

The role of the line manager will be key in the successful operation of the fit note system. They will need to be proactive and develop a whole new set of skills with clear guidance and training provided by the organisation. Managers will need to understand what they have to do.

Develop a Clear Procedure

Organisations will need to develop a clear procedure for the fit note process to be incorporated into an existing absence policy. Any changes should be consulted over and clearly communicated to all members of staff.

The procedure should detail obligations for both manager and employee and how the process will work in practice. For example, the requirement for a face to face meeting called in writing to discuss suggested reasonable adjustments, if appropriate, should ideally be necessary. The discussion should include whether the adjustments are viable, how they will work and how long they will last.

The possible use of occupational health should also be discussed and if appropriate an appointment set up, which would delay a proposed return. Also there might need to be a simple risk assessment to ensure safety on return. The impact on colleagues in relation to the employee's reasonable adjustments could also be an issue for discussion. A clear date should be set for the employee to return to work with hours and duties confirmed and any restrictions.

The subject of pay may need to be included particularly where there is no contractual sick pay. The procedure may need to incorporate an enhanced SSP supplement for a phased return to work for example so that it is worthwhile for the employee. Any issue related to this should be discussed with HMRC on 08457 143143.

Likewise if an employee can not be allowed back to work for impracticality reasons, they need to have these clearly explained.

Extra care should be taken with certain types of workers – home workers, shift workers, safety critical employees and those who work at heights for example.

The meeting should be documented and confirmed in writing with a copy for the employee to sign to show agreement to a proposal.

To standardise company practice a pro forma for meetings could be created or a check list drawn up to help managers cover the appropriate areas.

The return to work should be monitored on a regular basis to ensure the employee and manager is both happy with the situation. This can be done by weekly 1:1s which are documented and take place until the employee is back to work as previously.

Key Role of Occupational Health

The role of occupational health will be enhanced with the new fit note system as they understand more fully than GPs the implications of health issues in the workplace.

Key Points to Remember

- Discuss the advice on the fit note
- Consider how it affects the job
- Consider the return to work options
- Discuss the options with employees
- Is a return to work possible?

Key Changes to Make

- Consultation with workforce
- Check occupational health & its implications
- Train line managers
- Check public liability insurance
- Update policies and procedures
- Monitor & review

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