

## **FIT NOTES HAVE ARRIVED**

From 6<sup>th</sup> April 2010, a new medical certificate is to be issued to employees when they visit their GP. The current medical certificate (Doctor's Note) has been replaced by the Fit Note, which is designed to allow employees to come back to work when they are on the road to recovery rather than waiting until they are fully fit.

The Fit Notes will provide advice about whether or not an employee with a health condition is fit to undertake some work. Many employees with health conditions can, with some basic support, work as they recover from their illness. Doctors can now advise their patient on whether their health condition means they should or should not work. As a result the Doctor will advise whether an 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 the employee's health condition may allow them to work if they get some support off their employer.

Doctors will be able to suggest ways of helping an employee return to work. These options will be identified on the Fit Note and includes things like

- Phased return.
- Altered hours.
- Amended duties.
- Workplace adaptations.

A combination of a number of things may be identified. The Doctor may also provide written comments suggesting a more detailed view of the kind of things that may help.

As soon as employees receive their Fit Note from their GP, they should contact their Manager to arrange to meet to discuss the information on the Fit Note. Managers should have an open and honest discussion with their employees, with both parties working together to find an arrangement that suits the employee and their Manager and could provide real benefits to both the employee and the Council. Managers must hold this meeting as soon as possible as until the amendments suggested by the Doctor are implemented, the employee will be absent from work and in receipt of full pay. This will have an impact on an employee's pay when they are in a half or no pay situation.

If it is not possible to provide the support to the employee that the Doctor has identified on the Fit Note at all, the note shall be deemed to be used as if the Doctor as advised that the employee is not fit for work. The employee does not need to return to their GP to obtain a new Fit Note to confirm this.

The maximum period of time that a first Fit Note can issued for is three months as opposed to six months on the previous medical certificates. If the Fit Note suggests that an employee should refrain from work for a number of days, the number of days referred to are calendar days not working days. In some instances, an employee may be able to return to work, with their Manager's agreement, or return to their normal duties before the end of the period identified on the Fit Note. If this happens, there is no requirement for the employee to return to the Doctor for another Fit Note.

The Doctor may state on the Fit Note that they wish to see the employee again to assess their fitness for work at the end of the period covered by the Fit Note. Where the doctor does not state that they wish to see the employee again, Managers can expect the employee to return to work or to their normal duties at the end of the period identified on the Fit Note. If the Doctor sees the

employee again and during that appointment they feel that the employee is able to return to work without any special considerations, the Doctor will not issue the employee with a new Fit Note.

In exceptional circumstances, if the Manager is concerned with the frequency or genuineness of absence, the Manager may request that the employee submits a medical certificate from the GP. This may be required from their first day of absence. Advice should be sought from Human Resources before this action is considered. The Council may reimburse the cost of the medical certificate.

Attached below are some frequently asked questions about Fit Notes, a flow chart, some example case studies to give you information on the new processes and the risk assessment form to be used along with some examples of completed risk assessment forms. The introduction of the Fit Notes have been built into the new Managing Sickness Absence Procedure, the training on the procedure and the Manager's guidance on the procedure that will be available for all Managers.

**AUGUST 2010**

## **FREQUENTLY ASKED QUESTIONS ON FIT NOTES**

### **What should I do if the Doctor has indicated 'may be fit for work'?**

The Fit Note has been designed to give you the information needed to begin a discussion with an employee on whether they can return to work despite their illness or injury. You should consider the Doctor's comments and discuss this with your employee. This discussion should be held as soon as possible as until the amendments are made, the employee will remain absent on full pay. This will have an impact on the employee's pay situation when they are in a half or no pay situation. If the reason that the employee has not returned to work is the fact that the Council has to make adjustments to allow them to return, then the employee will be placed on full pay until the adjustments are made. If a return to work is possible you should agree any temporary changes to their job or hours and what support you will provide and for how long. You may wish to discuss this issue with Occupational Health who can also provide some advice to you over the telephone.

### **Is the advice on the fit note binding?**

No. This is about giving you greater flexibility and better information to manage sickness absence. It's your choice after discussing the Fit Note with your 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 safety guidelines or regulations that the Doctor may not be aware of.

If the Doctor has advised that your employee 'may be fit for work', and you cannot make the adaptations or adjustments to help a return to work, you should explain the reasons for this to your employee and then use the Fit Note as if the Doctor had advised 'not fit for work'. The employee does not need to go back to their Doctor for a new Fit Note to confirm this.

### **Will I still be covered by my employers' liability compulsory insurance (elci)?**

Your liability insurance should not prevent employees who 'may be fit for work', return to work or remain in work. Also, you do not need a Fit Note stating fitness for work for an employee to return to work. An employee does not necessarily need to be 100% fit to return to work. However, you will need to continue to manage your employees appropriately and carry out a risk assessment – based on the evidence from the Doctor, your knowledge of the work and workplace and further support where necessary. If you have any concerns about the coverage of your insurance, contact the Insurance and Risk Manager, Corporate Finance.

### **Is it going to cost me more?**

An earlier return to work can result in savings from a reduction in sick pay and the other costs of sickness absence such as replacement cover costs, turnover costs, loss of skills base, re-training costs and poor staff morale. There may also be an increase in revenue and profits that will come from any additional output produced.

### **How does this affect the disability discrimination act?**

If the employee has a condition covered under the Disability Discrimination Act, your obligations under the law have not changed. See the Council's Disability Policy or speak to Occupational Health or Human Resources for further advice.

### **How long do any amended duties or workplace adaptations have to last for?**

On the Fit Note a 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 amended duties or support is for. In most cases this will be about temporary measures. If the employee cannot then return to their normal duties, you may need to discuss further or alternative temporary measures or, if needed,

have a discussion on the long-term effects of their health condition on their job, taking into account your responsibilities under the DDA.

### **Can I request a fit note from an employee advising that they are 'fit for work'?**

Unlike the sick note, the Fit Note does not include the option for Doctors to advise someone that they are fully fit for work. You do not need to be fully fit to return to work and it is a myth that an employee needs to be 'signed back' to work by a Doctor. In some cases, there are existing procedures to ensure someone is fit to carry out their role safely and these should be followed – for example with the DVLA rules for LGV/PCV drivers.

### **What should I do if an employee wants to return to work before the end of a 'not fit for work' Fit Note?**

Sometimes an employee will be able to return to work before the end of the Fit Note period where a Doctor has advised that they are not fit for work. This may be because the employee has recovered faster than the Doctor expected, or the Doctor did not know of ways in which you could support the employee to return to work.

If you agree with the employee that it is appropriate for them to return to work, you do not need to wait until the end of the Fit Note for them to do so. However, you will need to undertake a risk assessment to ensure that it is appropriate for the employee to be in work.

### **What should I do if I offer support to an employee to aid them to return to work and they disagree?**

If you believe on the basis of the advice from the Doctor and your knowledge of the workplace, you can support your employee to return to work and they disagree with your proposal, your first option should always be to discuss the issues with your employee to find out why they believe they cannot return to work. There may be an aspect of their condition or the workplace that you have not considered.

If no agreement on your employee's fitness for work can be reached, you may wish to consult Human Resources and/or Occupational Health, both of whom can provide you with advice on what to do next. Employees are also able to get advice from their trade union, if they are a member.

### **What should I do if I do not understand the advice on the fit note?**

If you do not understand or you are unsure on how to act on the advice on the Fit Note your first option is always to discuss the advice with the employee. They may be able to provide more information on the context of the advice. If you are still unsure you may want to consider advice from Human Resources or Occupational Health. You can also write to the Doctor for more information. However, please bear in mind that you may have to pay for this service and a busy GP may not be able to respond to your enquiry immediately.

### **What do I need to do if the Doctor has recommended an Occupational Health referral for an employee?**

A Doctor will recommend an Occupational Health assessment where they feel that the employee's condition is complex and/or work may be a contributory factor. It is your decision whether to act on this advice and in some cases you may be able to provide simple and practical support to your employee without needing additional expertise. However, for complex and work-related conditions Occupational Health should be seriously considered.

### **How does this affect Statutory Sick Pay (SSP)?**

The Council's responsibilities to pay SSP have not changed. SSP will still be payable under the current rules for any sickness absence of 4 days or more where the employee meets the qualifying conditions. Where a Doctor has advised that an employee may be fit for work, but the employee

remains off work because you are not able to provide the necessary support, you should consider the financial impact on them and whether they may be disadvantaged. This is more obvious when an employee is coming into either half pay or a no pay position as a result of their sickness absence.

When considering a return to work on a phased basis, payment will be made at the employee's normal rate of salary.

### **What is a risk assessment?**

A risk assessment is nothing more than a careful consideration of what, in your workplace, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. Further information on risk assessments is available from either Corporate Health and Safety or your Directorate Health and Safety Unit. A copy of the risk assessment form and the form to review the risk assessment after a period of 4 weeks is attached as an Appendix. Examples of types of risk assessment are also attached to help.

## CASE STUDIES

### CASE STUDY ONE – MAY BE FIT FOR SOME WORK

Alison is a 35 year old Contact Centre Worker. Her job requires taking customer calls. She has been off work for six weeks with a mechanical back pain and this is her third episode in the past 12 months.

Alison goes to her GP for a new Fit Note and during the consultation they discuss her condition and the circumstances relating to returning to work. Her GP advises that she 'may be fit for work taking account of the following advice.'

- Comments, including functional effects of your condition(s);
  - Referred for physiotherapy – may need time off to attend.
  - Need to avoid static postures by taking more frequent breaks and be able to sit/stand when needs to.
  - Review workstation and
  - Consider a referral for Occupational Health advice.
  - Ticked a 'phased return to work', 'amended duties' and 'workplace adaptations'.
  - This will be the case for 8 weeks.
  - I will need to assess your fitness for work at the end of this period.

Alison takes the latest Fit Note to her Manager and they discuss the advice on the Fit Note and how her health condition affects her ability to do her usual job. They agree a phased return to work with more frequent breaks during her shifts. Alison returns to work immediately and after four weeks is back to her normal hours. Her Manager has also organised for an Occupational Health assessment to identify any action that may help prevent future episodes.

### CASE STUDY TWO – MAY BE FIT FOR SOME WORK

Kareena is fifty two and works in a department store. She has chronic anxiety and has been off work for three weeks. Her job involves working on the Customer Complaints desk as well as general shop floor duties such as stocking shelves and working on the till.

She visits her GP for a new Fit Note and they discuss whether she can return to work. She would like to return but has concerns about coping with customer complaints as that accounts for about a quarter of her duties. Her GP advises she 'may be fit for work taking account of the following advice':

- Comments, including functional effects of your condition(s):
  - Phased return to work.
  - Avoid customer-facing duties and
  - Consider creating a support network at work.
  - Ticked a 'phased return to work', 'amended duties'.
  - This will be the case for three weeks.
  - I will need to assess your fitness for work at the end of this period.

Kareena takes the Fit Note to her employer and they discuss the advice. They agree that Kareena should return to work on a phased return to non-complaints, non-customer facing duties before gradually returning to the Complaints Desk for shorter then longer periods of time. An experienced member of the team is nominated as a 'buddy' to support her and advise on techniques to deal with handling difficult customer issues. Kareena returns to work immediately and after a three-week period returns to her normal duties.

### **CASE STUDY THREE – MAY BE FIT FOR SOME WORK**

Dave is 30 years old and works in a warehouse of a small builders merchant. His job requires lifting. He hurt his dominant (right) shoulder through sport two weeks ago and has been off work since.

He goes to see his GP, is referred for specialist opinion and is given a new Fit Note. His GP advises that he 'may be fit for work taking account of the following advice':

- Comments, including functional effects of your condition(s): -
- Avoid lifting and working above shoulder height.
- Ticked 'amended duties'.
- This will be the case for 6 weeks.
- I will need to assess your fitness for work at the end of this period.

Dave takes the Fit Note to his Manager and they discuss which parts of his job are affected by his injury. Dave's normal duties involve the activities that the GP advised to avoid on the Fit Note. The Manager investigates if there are any other suitable duties that Dave could do whilst he recovers, however there are currently none. As Dave's employer cannot offer any appropriate work Dave remains off work. Dave and his employer use the Fit Note as if the GP had advised 'not fit for work', Dave does not return to his GP for a new Fit Note. Whilst Dave is off work, he and his Manager keep in regular contact to identify the point at which a return to work could begin. Dave returns to his GP at the end of the Fit Note period.

**FIT NOTE - Return to Work Health and Safety Assessment**

Line Managers should complete the following Assessment, in conjunction with the employee, where a Fit Note is received recommending amended duties or workplace adaptations. Completed forms must be returned to the managing attendance team.

**1. About the Employee: -**

Name:	
Payroll Number:	
Job Title:	
Service Area:	
Work Location:	

**2. About the Medical Condition: -**

Date of assessment by Doctor:	
Fit Note is valid until:	
Details of Medical Condition: - <i>Consider:</i> <i>Is this a recurring medical condition?</i> <i>Is the employee taking medication, which may affect their work activities (e.g. operating machinery, driving)?</i> <i>Will the medical condition affect the employee in work?</i> <i>Has the employee been referred/attended Occupational Health?</i> <i>Is the condition covered by the DDA (occupational Health can confirm this)?</i>	

**3. Amended Duties (box ticked on fit note)**

*A Doctor will recommend this if they believe the employee is able to return to work if their duties are amended to take into account their condition.*

Doctors recommendations: -	
Agreed amended duties: -  (Consider additional instruction/training needs, review risk assessments if required, consideration needs to be given to the operational needs of the service area)  To be Reviewed in a max of 4 weeks	
Amended duties cannot be implemented for the following reasons:	
<i>(If it is not possible for you to make the required amendments to work, you must treat the employee as 'not fit for work'. The employee does not need to return to their doctor for a new note to confirm this).</i>	



#### 4. Workplace Adaptations (box ticked on the fit note): -

*A Doctor will recommend this where they believe an employee may be able to return to work if their workplace is adapted to take into account their condition. Advice maybe required from H&S or Occupational Health.*

Doctors recommendations: -	
Agreed Workplace Adaptations: -  To be Reviewed in a max of 4 weeks	
Workplace Adaptations cannot be implemented for the following reasons: -	
<i>(If it is not possible for you to make the required adaptations to the workplace, you must treat the employee as 'not fit for work'. The employee does not need to return to their doctor for a new note to confirm this).</i>	

#### 5.0 Further information: -

Record details of further recommendations by the Doctor i.e. a <i>phased return to work (record agreed details), altered hours (record agreed details)</i>	
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#### 6.0 Declaration: -

Assessment Completed By:-	
Name:	
Job Title:	
Date of Assessment:	
Managers Signature:	
Employee Signature:	
Date:	

#### 7.0 Assessment Review Details (where required)

<i>Date for assessment review:</i> (To be completed on form XXX)	
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## Fit Note - Return to Work Health and Safety Assessment

Line Managers should complete the following Assessment, in conjunction with the employee, where a Fit Note is received recommending amended duties or workplace adaptations. Completed forms must be returned to the managing attendance team.

### 1. About the Employee: -

Name:	<b>A N Other</b>
Payroll Number:	<b>11111</b>
Job Title:	<b>Contact Centre Officer</b>
Service Area:	
Work Location:	

### 2. About the Medical Condition: -

Date of assessment by Doctor:	<b>1 June 2010</b>
Statement is valid until:	<b>1 August 2010</b>
Details of Medical Condition: - Consider: <i>Is this a recurring medical condition?</i> <i>Is the employee taking medication, which may affect their work activities (e.g. operating machinery, driving)?</i> <i>Will the medical condition affect the employee in work?</i> <i>Has the employee been referred/attended Occupational Health?</i> <i>-Is the condition covered by the DDA (occupational Health can confirm this)?</i>	<b>Individual has mechanical back pain and has been off work for 6 weeks.</b> <b>This is the third episode within the last 12 months.</b> <b>Individual has been referred to Occupational Health and is awaiting an appointment.</b>

### 3. Amended Duties (box ticked on fit note)

*A Doctor will recommend this if they believe the employee is able to return to work if their duties are amended to take into account their condition.*

Doctors recommendations: -	<b>Need to avoid static postures by taking more frequent breaks and be able to sit/stand when needs to.</b>  <b>Consider referral to occupational health.</b>
Agreed amended duties: -  (Consider additional instruction/training needs, review risk assessments if required)  To be Reviewed in a max of 4 weeks	<b>Agreed to allow more frequent breaks and to program in a phased return to work. Individual to work:</b> <b>Week 1 – 4 hours per day</b> <b>Week 2 – 5 hours per day</b> <b>Week 3 – 6 hours per day</b> <b>Week 4 – 7 hours per day</b> <b>Week 5 – Full time.</b>  <b>Employee to report to manager if phase return is causing issues and review will take place.</b>  <b>Breaks to be taken as and when employee requires. Individual informed that they need to ensure that they leave the workstation at least twice each hour – e.g. stand up, walk around.</b>

Amended duties cannot be implemented for the following reasons:	None
<i>(If it is not possible for you to make the required amendments to work, you must treat the employee as 'not fit for work'. The employee does not need to return to their doctor for a new note to confirm this).</i>	

**4. Workplace Adaptations (box ticked on the fit note): -**  
*A Doctor will recommend this where they believe an employee may be able to return to work if their workplace is adapted to take into account their condition. Advice maybe required from H&S or Occupational Health.*

Doctors recommendations: -	Review workstation
Agreed Workplace Adaptations: - To be Reviewed in a max of 4 weeks	Initial DSE undertaken within section – seat adjustments made, document holder to be ordered.  H&S contacted to undertake specific DSE assessment to take into account medical issues.
Workplace Adaptations cannot be implemented for the following reasons: -	None
<i>(If it is not possible for you to make the required adaptations to the workplace, you must treat the employee as 'not fit for work'. The employee does not need to return to their doctor for a new note to confirm this).</i>	

**7.0 Further information: -**

Record details of further recommendations by the Doctor i.e. a phased return to work (record agreed details), altered hours (record agreed details)	Phased return to work also recommended by GP.
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**8.0 Declaration: -**

Assessment Completed By:-	
Name:	Joe Bloggs
Job Title:	Contact Centre Manager
Date of Assessment:	1 June 2010
Managers Signature:	
Employee Signature:	XXXX
Date:	1 June 2010

7.0 Assessment Review Details (where required)	
Date for assessment review: (To be completed on form XXX)	4 weeks.

## Fit Note - Return to Work Health and Safety Assessment

Line Managers should complete the following Assessment, in conjunction with the employee, where a Fit Note is received recommending amended duties or workplace adaptations. Completed forms must be returned to the managing attendance team.

<b>1. About the Employee: -</b>	
Name:	A N Other
Payroll Number:	1112
Job Title:	DLO Operative
Service Area:	Building Maintenance
Work Location:	Tir-y-Berth
<b>2. About the Medical Condition: -</b>	
Date of assessment by Doctor:	4 May 2010
Statement is valid until:	1 June 2010
Details of Medical Condition: - Consider: Is this a recurring medical condition? Is the employee taking medication, which may affect their work activities (e.g. operating machinery, driving)? Will the medical condition affect the employee in work? Has the employee been referred/attended Occupational Health? Is the condition covered by the DDA (occupational Health can confirm this)?	Recurring back issue, where individual suffers back pain and spasms, relates to trapped sciatic nerve. Pain often travels down left leg.  Individual takes paracetamol and ibuprofen, which does not affect his ability to drive. However becomes uncomfortable when driving for long periods.  Ongoing condition for 6 months, individual has been off for 2 weeks and this is the second episode within 6 months.
<b>3. Amended Duties (box ticked on fit note)</b> <i>A Doctor will recommend this if they believe the employee is able to return to work if their duties are amended to take into account their condition.</i>	
Doctors recommendations: -	Individual to avoid heavy lifting tasks. Individual needs to avoid prolonged static postures and be able to change position when needed.
Agreed amended duties: -  (Consider additional instruction/training needs, review risk assessments if required)  To be Reviewed in a max of 4 weeks	Individual to be provided with work facilitates a maximum of 30 minutes driving at any one time.  Individual to avoid heavy lifting. A list of appropriate tasks has been agreed with the individual and work will be allocated which facilitate no heavy lifting.
Amended duties cannot be implemented for the following reasons:	None
<i>(If it is not possible for you to make the required amendments to work, you must treat the employee as 'not fit for work'. The employee does not need to return to their doctor for a new note to confirm this).</i>	

#### 4. Workplace Adaptations (box ticked on the fit note): -

*A Doctor will recommend this where they believe an employee may be able to return to work if their workplace is adapted to take into account their condition. Advice maybe required from H&S or Occupational Health.*

Doctors recommendations: -	None
Agreed Workplace Adaptations: -  To be Reviewed in a max of 4 weeks	
Workplace Adaptations cannot be implemented for the following reasons: -	
<i>(If it is not possible for you to make the required adaptations to the workplace, you must treat the employee as 'not fit for work'. The employee does not need to return to their doctor for a new note to confirm this).</i>	

#### 9.0 Further information: -

Record details of further recommendations by the Doctor i.e. a <i>phased return to work (record agreed details), altered hours (record agreed details)</i>	Phased return to work recommended. Individual has agreed to work 3 days (Mon, Wed, Fri) for week 1, 4 Days in week 2 (Mon, Tues, Thurs, Fri) and Full time by week 3. Work days have been split to enable rest.
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#### 10.0 Declaration: -

Assessment Completed By:-	
Name:	A Manager
Job Title:	DLO Manager
Date of Assessment:	2 May 2010
Managers Signature:	
Employee Signature:	
Date:	

#### 7.0 Assessment Review Details (where required)

<i>Date for assessment review:</i> (To be completed on form XXX)	Weekly during phased return – 7 June 2010
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**FIT NOTE -  
Return to Work Health and Safety Assessment – Review form**

Line Managers can use the following Assessment review form where any subsequent Fit Notes are received and where an original assessment has been completed for the condition. Completed forms must be returned to the Managing Attendance team.

**1. About the Employee: -**

Name:	
Payroll Number:	
Job Title:	
Service Area:	
Work Location:	

**Assessment Review Details:**

Date for assessment review:	
Details of review:	
Review undertaken by:	
Managers Signature:	
Employees Signature	

Date for assessment review:	
Details of review:	
Review undertaken by:	
Managers Signature:	
Employees Signature	



## FIT NOTE FLOW CHART









