



Guidance on the use of statements of fitness for work (fit notes)

Contents

1. Introduction	1
2. Aims of the new fit note	1
3. General principles	2
4. Guidance for all staff	3
Not fit to work	3
May be fit for work	3
Procedure on receipt of a 'fit note'	4
5. Guidance for managers	4
Not fit to return to work	4
May be fit for work	5
6. Is it possible for the individual to continue working or return to work early/earlier?	5
7. Further information	6
8. Frequently asked questions	6

1. Introduction

- 1.1. On 6 April 2010 a 'Statement of Fitness for Work' replaced the 'sick note'. The change which has been introduced under the Social Security (Medical Evidence) and the Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 will help ensure that individuals and their employers are better informed about when and how it is appropriate to support someone back to work following a period of sickness absence or assist in supporting them to continue working if they have an illness or injury.
- 1.2. The University positively embraces these changes and is committed to providing appropriate and reasonable workplace adjustments to support members of staff in their return to work or to enable them to continue working.

2. Aims of the new fit note

- 2.1. The aim of the new fit note is to:
 - help facilitate discussions between individuals and their employers about whether there are any changes to the employee's work environment or job role which could help them to continue working or achieve an early/earlier return to work;

- provide individuals with information on how their condition may affect what they can do in the workplace and provide advice on the steps they can take which will help them to continue working or return to work sooner.

2.2. What's changing?

- The removal of fit for work option.
- A new option for a doctor to advise if an employee may be fit for work with some support.
- GPs can provide information on how an employee's condition will affect what they do.
- GPs can suggest support for employees to help them to continue working or return to work sooner.

2.3. What will stay 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 required after the seventh calendar day of sickness. Members of staff are still required to complete and return to their manager a 'personal sickness notification form' for any sickness absence that exceeds 3 normal working days.

2.4. A summary of the 'statement of fitness for work' can be found in the information sheet. A copy is also available in appendix 1 of these guidelines.

2.5. A copy of the 'Statement of fitness for work' and an explanation of the information that the GP will provide can be found in Appendix 2 of these guidelines.

3. General principles

3.1. All staff have the right to be treated fairly, consistently and in a supportive manner.

3.2. Members of staff must forward 'statements of fitness for work' to their manager as soon as possible.

3.3. All staff members have the right to be accompanied by a trade union representative or work place colleague at any meetings in connection with their sickness absence.

3.4. Managers and staff both have a responsibility for ensuring that open communication is maintained during absences due to sickness.

3.5. Managers are responsible for taking appropriate action upon receipt of a statement of fitness for work.

3.6. Managers are encouraged to work with individuals and identify barriers to assist the process in supporting staff to return to work or to continue working.

3.7. Managers will be responsible for providing a supportive environment for those members of staff affected by ill-health.

3.8. Although the GP's advice on the 'fit note' is not binding, managers have a responsibility for supporting members of staff to help them continue working or return to work, where appropriate. Members of staff shall not be declined potential

support/adjustments to enable them to continue working or return to work sooner, without consulting the Faculty/Service HR Manager/Officer.

- 3.9. If a manager considers there are grounds to decline support/adjustments or reasons to potentially decline the advice on the 'fit note', the Faculty/Service HR Manager/Officer should be consulted before a final decision is taken.
- 3.10. Where a disagreement arises between an individual and their manager on the proposed support/adjustment, the case should be referred to the Faculty/Service HR Manager/Officer who may recommend other appropriate services are involved e.g. occupational health, mediation in order to resolve the issue as soon as possible.
- 3.11. Confidentiality should be maintained at all times.

4. Guidance for all staff

- 4.1. The statement of fitness for work allows your GP to provide you with information on how your medical condition may affect your ability to work.
- 4.2. When the GP provides you with a statement of fitness for work, they will advise you on one of two options e.g.
 - You are not fit for work
 - You may be fit for work with some additional support or adjustments

Not fit to work

- Your GP will choose this option when they believe that your health condition will prevent you from working for a stated period of time.
- Upon receipt of a statement that states that you are not fit for work, this should be forwarded to your manager as soon as possible.
- Keep in regular contact with your manager for the duration of your absence.

May be fit for work

- Your GP will choose this option when they believe that you may be able to continue working or return to work sooner with some help from your employer.
- Your GP may include some comments which will help your manager understand how you are affected by your condition. If appropriate, he/she may suggest one or more ways to help you to continue working or return to work early. This could include:
 - a phased return to work – where you may benefit from a gradual increase in your work duties or working hours, for example after an operation or after injury;
 - altered hours – allowing you the flexibility to start or leave later, for example if you struggle travelling in the 'rush hour', but this does not necessarily mean you working fewer hours;
 - amended duties – to take into account your condition, for example removing heavy lifting if you have had a back injury;
 - changes to your workplace – to take into account your condition, for example allowing you to work on the ground floor if you have problems going up and down stairs.

- Under those circumstances above, situations will be temporary whilst you recover from an injury or illness.

Procedure on receipt of a 'fit note'

- Forward this directly to your line manager as soon as possible.
- Contact your manager to discuss the advice given on the statement and raise any concerns you may have about continuing at work or returning to work sooner.
- Arrange to meet with your manager to discuss what support/adjustments can be put in place to help you to continue working or upon your early return to work. The meeting should be held at a mutually accepted location. You may if you wish, be accompanied at the meeting by a trade union representative or work place colleague.
- Agree and complete with your manager a 'return to work pro-forma', which confirms any adjustments/support that has been agreed to help you to continue working or, to return to work sooner. Where appropriate, this may include other methods of support than those suggested by your GP.
- If you have any concerns about the support your manager is suggesting it's important that you raise these with him/her as soon as possible. Alternatively, if you feel unable to approach your manager, you may discuss your personal circumstances, in confidence, with your Faculty/Service HR Manager/Officer.
- Sometimes it may not be possible for your manager to make the changes suggested by your GP. If this is the case, you will not be able to continue working or return to work sooner until you have recovered further. The statement that you have submitted will be used as if your GP had advised you that 'you are not fit for work' and, therefore, you will not be required to see your GP for a new statement.

5. Guidance for managers

- 5.1. In order to achieve the aims of the 'statement of fitness for work' it is important that members of staff submit Statements to their managers immediately upon receipt from their GP.
- 5.2. On the receipt of a statement of fitness for work the following steps by managers must be taken (see flow chart in Appendix 3).
- 5.3. On the statement of fitness for work, GPs will be able to advise one of two options:

Not fit to return to work

This means that the GP's assessment of the individual is that they have a health condition that prevents them from working for the stated period of time. This is just like the old 'sick note' where the GP advises an individual to 'refrain from work'.

- Individual submits the 'statement of fitness for work' to their manager.
- On receipt of a 'statement', this should be sent to the Payroll Office immediately for processing.
- Keep in regular contact with individuals during their absence.
- Discuss any long term sickness absences or concerns with the Faculty/Service HR Manager/Officer.
- Inform the Payroll Office about a return to work, so that the sickness absence can be ended on SAP.

May be fit for work

This means that the GP's assessment of an individual is that their condition does not necessarily stop them from continuing to work or returning to work early, with some additional support or adjustments.

- Individual submits the statement of fitness for work to their manager.
- If the individual is off work, the manager sends the statement to the Payroll Office for processing (if the individual is not off work it is not necessary to forward the statement to the Payroll Office to record as sickness). At the same time a copy should be passed to the Faculty HR Manager/Officer and the HR Contact (or other appropriate person) to record the GP's recommendation on SAP.
- On receipt of the statement Payroll will record the member of staff as being on sick leave until they receive notification from the manager that the advice from the GP can be implemented and the individual has returned to work.
- The manager should discuss the advice on the statement with the member of staff and establish any concerns the individual may have about continuing at work or returning to work early. Consider how the advice affects the job and the workplace.
- If a referral to Occupational Health has been advised at this stage, or if you don't understand the advice provided by the GP, or you are unclear about what support can be offered, consult your Faculty/Service HR Manager/Officer for advice.
- In liaison with your HR Manager/Officer, consider the functional comments, the advice of the GP and any other action that could help the individual to continue working or return to work sooner e.g.
 - Phased return to work – where the GP believes that the individual may benefit from a gradual increase in the intensity of their work duties or their working hours.
 - Altered hours – where the GP believes that the individual will benefit from a change to the hours that they work, in order for them to return to work. This does not necessarily mean working fewer hours.
 - Amended duties – where the GP believes that the individual may be able to return to work if their duties are amended to take into account their condition. This does not necessarily mean doing less duties.
 - Workplace adaptations – where the GP believes that the individual may be able to return to work if their workplace is adapted to take into account their condition. There is a commitment to take all reasonable steps to support this;
- Under those circumstances above, situations will be temporary whilst the individual recovers from an injury or illness.
- If the individual is covered by the DDA, this should be taken into account when considering the above.
- Arrange a meeting to discuss the options with the member of staff – the meeting should be held at a mutually accepted location. Where appropriate; include the Faculty/Service HR Manager/Officer, and where requested by the member of staff, a trade union representative or workplace colleague.
- Consider any health and safety issues that need to be addressed to enable the individual to continue working or return to work early.

6. Is it possible for the individual to continue working or return to work early/earlier?

- 6.1. If yes, complete and agree with the individual a 'return to work pro forma' confirming the agreed workplace changes to help them to continue working or upon their early return to work e.g:

- Return to work date
 - The agreed duration of the temporary arrangements
 - Changes to the working conditions
 - The level of support to be provided
 - Review dates
 - Health and safety issues
- 6.1.1. Managers should arrange for local HR contact (or appropriate person, to update SAP with any action(s) that have been agreed to support an individual back to work.
- 6.1.2. Individual returns to work. Manager notifies Payroll about the return to work in order for the sickness absence to be ended on SAP.
- 6.1.3. The health situation should be reviewed and monitored as appropriate.
- 6.2. If no, consult the Faculty/Service HR Manager/Officer for more guidance (an Occupational Health referral may be needed at this stage).
- 6.2.1. Agree and complete with the individual a 'return to work pro forma' to record full details of the reason(s) why it is not possible to implement the GP's advice and support the individual to continue working or return to work sooner.
- 6.2.2. Agree review date/return to work date with the individual.
- 6.2.3. The individual will continue to receive SSP where applicable and University sick pay in accordance with their contract of employment.
- 6.2.4. If following the advice from the GP, you believe that you are able to support the member of staff to continue working or return to work early, but the individual disagrees with your proposal, you should contact your Faculty/Service HR Manager/Officer for advice.

7. Further information

Further information about these guidelines or general matters about the management of sickness absence can be obtained from the Faculty/Service HR Manager/Officer.

You may also find information about the University's flexible working policy useful.

If you require this document in an alternative format (for example braille, large print or e-text) please contact Human Resources at hr@leeds.ac.uk.

8. Frequently asked questions

- What should I do if the doctor has indicated 'may be fit for work'?

The Statement has been designed to give managers the information needed to begin a discussion with a member of staff on whether they can continue working or return or return to work sooner despite their illness or injury. You should consider the GP's comments and discuss this with your Faculty/Service HR Manager/Officer and the member of staff. If it is possible for the individual to continue working or you can support an early return to work, you should agree any temporary changes to their job or hours and what support you will provide and for how long by completing a return to work pro-forma. In some cases a referral

to Occupational Health may be necessary. Your Faculty/Service HR Manager/Officer will provide advice on the process.

- Is the advice on the Statement binding?

No. This is about giving you greater flexibility and better information to manage sickness absence. It's your choice after discussing the Statement with the member of staff, how to act on the GP's advice taking into account any industry or sector specific safety guidelines or regulations that the GP may not be aware of. However, managers are encouraged to work with individuals and identify barriers to assist the process in supporting staff to continue working or return to work sooner. If it is not possible to support an individual, this should be fully discussed with the Faculty Service/Faculty HR Manager/Officer.

- What should I do if we cannot implement the GP's recommendations?

If the GP has advised that your employee 'may be fit for work', and you cannot make the adaptations or adjustments to help an individual to continue working or return to work sooner, you should consult your Faculty/Service HR Manager/Officer before explaining the reasons for this to the individual. The reason(s) should be recorded on the return to work pro-forma. The Statement should then be used as if the GP had advised 'not fit for work'. The individual does not need to go back to their GP for a new Statement to confirm this.

- Will I still be covered by my Employers' Liability Compulsory Insurance (ELCI) ?

The University's liability insurance should not prevent members of staff who 'may be fit for work', to continue working or return to work early. Also, you do not need a Medical Statement stating fitness for work for an individual to return to work. A member of staff does not necessarily need to be 100% fit to continue working or return to work sooner. However, you will need to continue to manage individuals appropriately and carry out a risk assessment – based on the evidence from the GP, your knowledge of the work and workplace and further support where necessary. If you have any concerns about the University's liability insurance, you should contact your Faculty/Service HR Manager/Officer.

- Is it going to cost me more?

Where an individual continues working or returns to work sooner it can result in savings from a reduction in sick pay and other costs of sickness absence such as turnover costs, loss of skills base, retraining costs and low staff morale.

- How does this affect the Disability Discrimination Act?

If a member of staff has a condition covered under the Disability Discrimination Act (DDA), the University's obligations under the law have not changed. Consult your Faculty/Service HR Manager/Officer for advice.

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

On the Statement a GP 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 work or continue with 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 our responsibilities under the DDA. A referral to Occupational Health may be necessary at this point.

- Can I request a Medical Statement advising that a member of staff is 'fit for work'?

Unlike the sick note, the Statement of Fitness for Work does not include the option for GPs 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 individual needs to be 'signed back' to work by a GP.

- What should I do if a member of staff wants to return to work before the end of a 'not fit for work' Statement?

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

If you agree with the member of staff that it is appropriate for them to return to work, you do not need to wait until the end of the Statement period for them to do so. In such cases, the Payroll Office should be notified so that the sickness absence can be ended.

- What should I do if I offer support to a member of staff to help them continue working or return to work sooner and they disagree?

If you believe that on the basis of the advice from the GP and your knowledge of the workplace, you can support the individual to continue working or return to work early and they disagree with your proposal, you should discuss the issues with the individual 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 the individual's fitness for work can be reached, it may be necessary to do a referral to Occupational Health - you should consult your Faculty/Service HR Manager/Officer for advice.

- What should I do if I do not understand the advice on the Statement?

If you do not understand or are unsure on how to act on the advice on the Statement your first option is always to discuss the advice with the member of staff. They may be able to provide more information on the context of the advice. If you are still unsure, contact your Faculty/Service HR Manager/Officer who may obtain clarification from Occupational Health.

- What do I need to do if the GP has recommended an occupational health referral for a member of staff?

A GP will recommend an occupational health assessment where they feel an individual's condition is complex and/or work may be a contributory factor. In some cases you may be able to provide simple and practical support to a member of staff without needing additional expertise. However, for complex and work related conditions an assessment by Occupational Health should be undertaken. Further advice should be obtained from your Faculty/Service HR Manager/Officer.

- How does this affect Sick Pay?

The University's responsibility to pay SSP has not changed. SSP will still be payable under the current rules for any sickness absence of 4 days or more where the individual meets the qualifying conditions. Where a GP has advised that a member of staff may be fit for work, but he/she remains off work because you are not able to provide the necessary support, you

should consider the advice on the Statement as you would a 'not fit for work' Statement. Eligibility for SSP in these cases will not change.

Members of Staff who are declared 'not fit for work' will continue to receive University sick pay in accordance with their terms and conditions of employment.

- 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. Details of the risk assessment should be noted on the 'Return to Work' pro forma.