

Guidelines

Title: MEDICAL “FIT FOR WORK” NOTES

Ref: HR/SW

Last updated: 29 March 2010

1. Introduction

In 2010, the format of medical statements (also known as medical certificates or sick notes) was changed to:

- Help inform discussions between individuals and their employers about whether there are any changes to the employee's work environment or job role which could help achieve an early/earlier return to work;
- Assist employers in reducing sickness absence and retaining staff and their skills, which is critical to business success;
- Provide individuals with information about steps they can take which will help them return to work sooner; and
- Help to change attitudes towards the potential role of work in aiding recovery.

What changed?

The maximum duration for which a medical certificate can be issued was reduced from six to three months during the first six months of a health condition.

In addition, the new statement was renamed statement of fitness for work or 'fit note', meaning that doctors can advise on whether people who are on sick leave for over seven days are either not fit for work, or may be fit for some work.

Action on receipt of a “may be fit” statement

A doctor gives a 'may be fit for work' statement if they think that the patient is fit to return to work or that the patient's health condition may allow them to work – as long as the employer gives the employee the appropriate support.

If a doctor uses this option, and they think that additional support is required, they will give advice about the effects of the patient's health condition and, if appropriate, some suggestions about the types of adjustment or adaptations to be considered to help the employee back to work, for example:

- a phased return to work
- Altered hours
- Amended duties; and/or
- Workplace adaptations.

If no advice on additional support is given it is reasonable to conclude that none is needed.

Where advice is given, while the line manager will not have to act on the doctor's advice in a 'may be fit for work' statement, it may help them make simple and practical adjustments to help the member of staff return to work more quickly and reduce unnecessary sickness absence.

Returning to work

The statement has been designed to give a line manager the information needed to begin a discussion with the employee on whether they can return to work despite their illness or injury. The doctor's comments should be considered and discussed with the employee. It's the line manager's choice after discussing the

statement how to act on the doctor's advice. If a return to work is possible the line manager should agree any temporary changes to the job or hours and what support will be provided and for how long.

The University is obligated to pay statutory sick pay and make reasonable adjustments under the Disability Discrimination Act 1995 or Equality Act 2010 as appropriate. Academic Units/Services are responsible for carrying out a risk assessment when the member of staff returns to work.

When considering a return to work involving reduced hours or a phased return to work over a defined period covered by the fit note, the employee, as a general principle, will receive pay on commencement of this period appropriate to the work being done, but not less than their sick pay entitlement would have been had they not returned to work. The details of these arrangements may vary from case to case.

If for any reason the changes necessary to support the employee's return to work can't be made, this should be explained to the employee. For sick pay purposes, the line manager should consider the statement as if the doctor had advised that it is 'not fit for work'. They will not need to return to their doctor for a new medical statement.

More information

With complex and work-related conditions, or if you are in any doubt about what to do, advice should be sought in the first instance from your HR Manager. Where cases are more complex your HR Manager may recommend that the case is referred to Occupational Health in the normal way.