



briefing

Employment, Pensions & Benefits - June 2009

Government publishes details of proposed new 'fit note'

This will come into force in spring 2010

The government has recently announced details of the new 'Statement of fitness for work' which, it is anticipated, will replace the current 'sick note' used by GPs in spring 2010.

The forms used by GPs setting out their advice on an individual's fitness to work have remained largely unchanged since the NHS was set up whereby GPs complete a medical statement which simply records whether or not an individual is fit to work. The government intends to change the format and content of the medical statement so that there will be an additional option where GPs can indicate if someone 'may be fit for some work now'.

The format of medical statements is prescribed by Regulations and draft Regulations including the proposed new 'Statement of fitness for work' have now been published as part of a consultation exercise which ends on 19 August 2009. It is intended, subject to Parliamentary approval, the Regulations and new Statement will come into effect in spring 2010.

The CIPD Absence Management Report of 2008 shows that the average level of employee absence is 8 days a year and 9.8 days a year for the public sector. Short - term absence of up to seven days accounts for 66% of absence, whereas long - term absence of four weeks or more accounts for 20% of absence. The CBI estimate in its report of 2008 that around 172 million working days are lost each year across Britain because of sickness absence at a cost to business of around £13 billion.

The policy background to the change in the format and content of the medical statement is the evidence that being in work is good for health and that being out of work leads to poor physical and mental health. The government wants to reduce levels of sickness absence and at the same time support individuals with health conditions to stay in or return to work.

It instructed Dame Carol Black to report into the health of the working population and following publication of her report, it accepted her recommendation that the current sick note be replaced with a fit note. It is envisaged that with better focused health care at an early stage and improved workplace management, many individuals could be helped to stay in work or return to work at an earlier stage.

So what are the key changes?

The statement will enable GPs to record whether a patient is fit or not fit for work but also a new option to indicate where someone may be fit for some work now. This option is to be used where the GP considers that the individual could return to work if some aspects of the work were changed either temporarily or permanently. If this option is chosen the GP will be required to provide general details of the functional effect of that individual's condition and to record information about whether any changes to the employee's work environment or job role could assist in achieving an early or earlier return to work. The changes set out in the statement at present are:

- a phased return to work;
- altered hours;
- amended duties;
- Workplace adaptations.

It is important to note however that any changes to workplace or role changes must be with the employer's agreement and that the list may change following the consultation exercise. Indeed, one specific question raised in the consultation paper is whether or not an occupational health assessment should be added to the list.

Managing sickness absence whether short - term or long - term is often problematic for employers. Many organisations are likely to welcome these proposals which will provide them with additional information about an employee's condition and which could assist in speeding up an employee's return to work.

More information

If you would like further information, or to discuss the potential impact on your organisation, please call Debra Gers, or your regular Morgan Cole contact.



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