



Introduction of the new statement of fitness for work Advice for employers

As of the 6th of April 2010, the 'sick note' will be replaced by the new Statement of Fitness for Work. This is being introduced in Scotland, England and Wales under the new Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) Amendment Regulations 2010. An example of the new form is included overleaf.

Guidance to help employers use the new fit note has been published by the Department of Work and Pensions and can be accessed at www.dwp.gov.uk/fitnote/

What is changing?

The statutory certificate or Form Med 3 was issued for the purpose of allowing access to state benefits, not for the purpose of assisting employers to manage employee attendance issues. This form indicated that an employee was either fit or not fit for work. The new Form Med 3 or 'fit note' offers a wider definition of "assessment" to reflect modern medical practice and has introduced a new option – "May be fit for work taking account of the following advice". GP's will have increased space for comments and tick boxes to indicate simple adjustments. This allows the GP to record more information about the functional effects of the patient's condition so that workplace adjustments can be considered.

GP's will now be able to use telephonic consultations of the individual as an acceptable form of assessment. More importantly they can now base this advice not only on their own face to face or telephonic assessment of the individual but also on a report from another doctor or healthcare professional.

The new form will no longer include a 'fit for work' tick box. GP's now won't be asked to issue statements stating someone is fit for work. There is a common myth that employees are required to be 'signed back to work' however the Association of British Insurers has confirmed that a 'fit for work' statement is not needed for Employers' Liability Compulsory Insurance (ELCI) reasons.

There will also be a reduction in the maximum duration of a statement during the first 6 months of illness. Some conditions may change or improve during the first 6 months which may enable a person to work. So issuing a statement for 6 months would not help facilitate a return to work. The maximum duration of a medical statement will now be changed to 3 months.

The Form Med 3 was used by patients as evidence of fitness for work. This was given to an employer to demonstrate entitlement to Statutory Sick Pay or to Jobcentre Plus in support of a claim for Employment and Support Allowance or other benefits on grounds of incapacity. The Form Med 5, sometimes called "the backdating certificate", had two functions. It was used when a doctor needed to issue a medical statement for a past period and could not issue a Med 3 because the examination was carried out earlier. It was also used when a doctor had not carried out an



examination but was using a report from another doctor or medical professional to provide a medical statement. This form was used in the same way as the Form Med 3.

By combining these forms it will allow GP's to have more flexibility to handle consultations, telephonic or face to face. They will also be able to recommend whether someone needs to be seen or not at the end of the statement period. It also provides the GP the opportunity to give more helpful advice to patients which will help ensure the best work outcomes for them.

What stays the same?

- GP's can still advise patients that they are not fit for work
- The medical statement can only be completed by a doctor
- The statement is advice from the GP to their patients that can be used as evidence of their fitness for work for sick pay and benefit purposes. The advice on the statement is not binding on employers
- Employers duties under the disability discrimination act remain unaffected and continue to apply

What does this mean for employees?

Being signed off sick isn't always best for an individual. Studies show that work has therapeutic value both mentally and physically and can actually aid in an individuals recovery. The longer an individual is absent through illness, the lower their chances of returning to work. The new style form is designed to help people get back to work as soon as possible by facilitating a discussion with their employer on changes to the work environment or job role. This allows employees to benefit from better health and wellbeing.

What does this mean for employers?

The addition of more information and suggestions for workplace adaptation is a positive step and should help facilitate a dialogue between an employee and employer at an earlier stage. But since GP's are not experts in occupational health, they can only make suggestions on the functional capabilities of their patient's condition. They are unlikely to be able to make recommendations specific to the employee's job role and can't provide an occupational health assessment. And that's why CIGNA's absence and occupational health services will continue to make the difference in effectively supporting employees back to work.

Useful links

www.nhs.uk/chq/Pages/2584.aspx

www.england-legislation.hms.gov.uk/si/si2010/pdf/uksi_20100137_en.pdf

www.england-legislation.hms.gov.uk/si/si2010/em/uksiem_20100137_en.pdf

Statement of fitness for work For social security or Statutory Sick Pay

Patient's name

I assessed your case on:

and, because of the following condition(s):

I advise you that: you are not fit for work.
 you may be fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:

<input type="checkbox"/> a phased return to work	<input type="checkbox"/> amended duties
<input type="checkbox"/> altered hours	<input type="checkbox"/> workplace adaptations

Comments, including functional effects of your condition(s):

Sample

This will be the case for
or from to

I will/will not need to assess your fitness for work again at the end of this period.
(Please delete as applicable)

Doctor's signature

Date of statement

Doctor's address

Med3 04/10