



**The Council is working with employers' organisations and the Leicestershire Fit for Work Service to try to improve communication between employers and general practitioners.**

**The following brief notes may be of use.**

### **The fit note: advice for small and medium-sized employers**

In April 2010 the procedure whereby doctors certified that patients were unable to work because of illness or injury changed. The Form Med 3, which before that was known as a sick note, became a fit note – a Statement of Fitness for Work.

There was an important reason behind this. Research has shown that in general people of working age are better in health if they are at work rather than out of work, that when someone has been ill or had an accident it is important for health reasons to get them back to work as soon as possible, and that it is not always necessary to be 100% fit before returning to work if temporary adjustments can be made to the work environment or to the job. For example, employees might be able initially to return part-time or on different hours, or some of their more onerous duties could be done by someone else for a short period, or the employer could make modifications to the workplace or work equipment, or they could be given a phased return to work.

The fit note allows the doctor, usually the GP, to certify either that the patient is unfit for any work for a period, or that he or she may be fit for some work. There is space on the form for the doctor to provide information on how the employee's condition may affect the work they do.

Comprehensive advice for employers and health professionals is available on the Department for Work and Pensions (<http://www.dwp.gov.uk/fitnote/>) and the Advisory Conciliation and Arbitration Service (ACAS) ([www.acas.org.uk](http://www.acas.org.uk)) websites. The fit note is not about trying to get people back to work before they are ready, but about removing the challenges to them

returning. The employer and employee should work together to find an arrangement that suits both of them.

### **What should I do if my employee gives me a fit note?**

Whether the note says “not fit” or “may be fit” the employer should discuss the options with the employee. Where the doctor has advised that the employee could be supported to return to work you should consider, using your knowledge of the work and the business, if this could be done. Often there will be simple practical changes that will enable the employee to return to work.

The advice on the fit note is not legally binding on the employer. Where the fit note advises “may be fit for work” and the employer is unable to provide the support recommended by the doctor the employee can be treated as if the note advised “not fit for work” and, if entitled, will be eligible to be paid Statutory Sick Pay by the employer until the doctor’s note expires. A new fit note is not needed. Employees may also be entitled to occupational sick pay for a period depending on the terms of their contract of employment.

If the fit note advises “not fit” but as the employer you think that there is a possibility of an early return to work, and the employee is willing, you should try to reach agreement with the employee on the adaptations or adjustments that can be provided. If both parties agree, a further fit note is not needed to confirm this.

### **Is it safe to allow people back to work if they are not 100% fit?**

It will be necessary to consider how to manage a return to work and whether the employee’s medical condition creates an additional health and safety risk. A risk assessment should be done, as in any case where there is a change in work activities.

If you have a safety or occupational health adviser they will be able to advise you, but if not advice is available from the Health and Safety Executive (<http://www.hse.gov.uk/risk/>).

## **Will I still be covered by my Employers' Liability Insurance?**

The Association of British Insurers (ABI) advises that there should be no problem about insurance cover as long as you carry out a risk assessment. You do not need a fit note stating that the employee is fit to return to work. Indeed, the fit note does not include the option of stating a patient is fit for work. If you have any concerns about the coverage of your insurance, you should contact your insurer.

## **Do I need further advice?**

In most cases no further advice is needed. Simple short term changes which you can manage yourself should be sufficient. If you do not have access to professional occupational health advice you may wish to contact the Health for Work Advice Line for Small Businesses ([www.health4work.nhs.uk](http://www.health4work.nhs.uk)), which can provide you with free advice from an occupational health professional. The contact numbers are: 0800 0 77 88 44 (England), 0800 019 22 11 (Scotland) and 0800 107 0900 (Wales).