

My ref: MD

21 April 2010

To: Headteachers of all Maintained Schools in  
Lincolnshire

Children's Services Directorate  
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Dear Colleague

## **FIT NOTE – GUIDANCE FOR SCHOOLS**

### **Introduction**

As you may be aware, from 6 April 2010 general practitioners will no longer issue "sick notes". Instead they will issue a "fit note" and an sample is attached for your information.

This new system has been introduced as part of a larger national strategy – "Working for a Healthier Tomorrow" - which aims to improve the health of people of working age and it is therefore important to support people with health conditions to return to work as soon as possible. The longer someone is off work, the lower their chances of getting back to work.

### **New system**

On the new fitness for work form, the GP will say whether the employee is either:

- (a) not fit for work
- or (b) may be fit for work (with some changes in the workplace)

The GP will then state which changes in the workplace may help the employee to return, e.g. if the employee has a back problem, amended duties or workplace adaptations may be useful if they have a manual job. See example within **Appendix A**.

The form may also now be electronically printed rather than hand written. The GP does not have to see their patient; they can write this form following a telephone consultation.

The employee will continue to self certificate for the first 7 days of absence. On the 8<sup>th</sup> day the employee remains obliged to visit their GP and provide their employer with a "fit note".

The Managing Attendance Policy including referral to Occupational Health where necessary, should still be applied in the usual way.

## **What Should I Do When I Receive a Fit Note indicating that the employee may be fit with some changes?**

Currently staff send in their sick note without having to make contact with their manager. Now employees who have been certified as “may be fit for work” will have to talk to their manager about the GPs recommendations. As a manager, you should consider the doctor’s comments and discuss these with your employee and undertake an appropriate **risk assessment**. A form with guidance notes is included as **Appendix B**. If a return to work is possible you should agree any temporary changes to the employee’s job or hours and what support you will provide.

When agreeing a return to work plan you should also be clear how long any amended duties or support is anticipated. In most cases this will be about temporary measures. If the employee cannot return to their normal duties, you will need to discuss further, find alternative temporary measures, or if needed, have a discussion on the long-term effects of their health condition on their job, taking into account your responsibilities under the Disability Discrimination Act. You may wish to seek advice from Occupational Health.

Any adjustments should be agreed with the employee prior to their return to work.

### **Is the Advice on The Statement Binding?**

The key element for line managers is that any recommendations can only be put in place “if they are available” and with the “employer’s agreement”. It has been acknowledged in the guidance for the introduction of the new system that GP’s are not occupational health experts and they do not have a detailed knowledge of either the work or the workplace of their patients.

### **The fit note therefore is for general guidance only.**

Where a GP has made recommendations, it is for the line manager to determine whether they can be implemented. Further advice may be sought from your HR or Health and Safety Adviser or Occupational Health as appropriate.

Where the changes cannot reasonably be made, and the employee cannot return to work, the Fit Note can be used to cover their sickness absence.

Where the GP has stated they do not need to assess the employee again, this means that the employee should be able to return to work at the end of the period stated. **Fit to return notes will no longer be issued.**

If this is not the case the employee will need to return to their GP at the end of the specified period for a further Fit Note.

### **Will the Council’s insurance arrangements cover employees who “may be fit for work” returning to work?**

Employers Liability Insurance does not require employees to be 100% fit for work but there is an expectation by our insurers that we will manage the risks of those returning to work effectively, both for their wellbeing and safety and that of other employees and members of the public who may come into contact with them during their duties.

Following the guidance in this document and retaining records of actions agreed and taken will satisfy this expectation and ensure insurance cover remains operative for those returning to work who are not 100% fit.

If you have any queries as regards this guidance please contact your named HR or Health and Safety Adviser as appropriate.

Further guidance from the Department for Work and Pensions (DWP) is available at <http://www.dwp.gov.uk/docs/fitnote-employer-guide.pdf>

Yours sincerely

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For Director of Children's Services