

ARTICLE: "Fit notes" unveiled and consultation process begun

July 2009

Introduction

In March 2008, Dame Carol Black published the results of a review she had undertaken into the health of Britain's working age population – billed as the first of its kind. This review has prompted the Government to unveil plans for a new "fit note" which will replace the existing format of sick notes in spring 2010.

The review

The review made several recommendations and highlighted various challenges to be faced when improving workplace environments with the aim of encouraging workers to either stay in or return to work.

Among the challenges to reform were the following:

- the cost of sickness absence and unemployment due to ill-health;
- a need for appropriate information and advice for employers to help them understand the importance of investing in their employees' health;
- the lack of training given to GPs on how to advise patients about remaining in or returning to work; and
- the deficiencies in the support structures for the early stages of sickness, including options for referral by GPs.

The recommendations in the review tackled these challenges by encouraging new attitudes to sickness through the provision of further and better information.

The new "fit note"

One of the key challenges listed was that the current sick-note focuses on what an employee cannot do. The associated recommendation was that the paper sick note should be replaced an electronic one which is linked to the GP's database. It was felt that such a change would not only improve communications between GPs, employers and employees, but would also help employers manage sickness absence by alerting them to health problems through identifying possible patterns in absenteeism.

The fit note would also include practical advice for the employee, and possibly the employer as well, on what changes or improvements are required for the employee to return to work. An additional option is for the GP to indicate that an employee "may be fit for some work now", then providing general details of the employee's capabilities in order to facilitate discussions between employee and employer. However, an employer would not be obliged to implement the GP's recommendations.

Furthermore, GPs would have more options for referral to help an employee deal with the reason for their absence. This could include referring for counselling, physiotherapy, occupation health advice or even advice on social concerns such as housing, family or financial issues.

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Consultation

A consultation has been launched in relation to the new medical certificate. It begins by noting that while the format of the sick note has not been altered since the establishment of the NHS, the working environment itself has changed. Jobs are safer, less physically demanding and employers have become more flexible in their working arrangements. With the focus on new attitudes to sickness, it was felt that a new certificate reflecting such changes should be created.

The consultation states that around 172 million working days are lost every year to sickness, costing around £13 billion to businesses. However, it goes on to note that evidence suggests that with appropriate support: "over 90 per cent of people with common health conditions can be helped to work and that the numbers leaving work to claim incapacity benefits could be reduced by 20-60 per cent."

The consultation document can be accessed at the link below, and the closing date is 19 August 2009:

<http://www.dwp.gov.uk/docs/reforming-the-medical-statement-consultation-28may2009.pdf>

If you would like further information on the fit note or how the changes will impact on your existing sickness procedure, please contact David Hill at dhill@davidsonlarge.com or Lucy Bond at lbond@davidsonlarge.com.

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