

29th March 2010

ALL MEMBERS NEWSLETTER

'Fit Notes' – What They Mean For You

The Sick Note with which we're all familiar, is changing to The Statement of Fitness for Work or the Fit Note as it has been dubbed.

The Fit Note is a new Medical Statement, which GPs will issue from 6 April 2010 and which will be used in England, Scotland, Northern Ireland and Wales. It replaces the old 'sick note' and aims to focus on what employees who are sick in some way may be able to do at work, rather than what they cannot do.

Previously GPs have either stated simply that 'you should refrain from work' or 'you need not refrain from work'. Your GP will now provide general details of the functional effect of your condition and will in effect be encouraged to point out to your employer what work you could do rather than signing you off work entirely.

The main changes will mean:

- **GPs will be able to say if they think people are 'not fit for work' or 'may be fit for work'.**
- **GPs will be able to provide advice to employers on how simple changes could allow for an earlier return to work.**

GPs will be able to suggest ways of helping employees get back to work. This

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might mean discussing:

- **Phased returns to work.**
- **Flexible working.**
- **Changed duties.**
- **Workplace adaptations.**

The philosophy, which is difficult to argue with, is that by dealing with an issue earlier, through support for the individual with actions that are usually left until some considerable time after the absence has commenced, it will be beneficial to all parties. Employers will be able to keep skilled employees contributing to the success of the business whilst reducing sickness absence, which in turn leads to less strain being placed on those who are required to provide absence cover and helps maintain morale and so called 'employee engagement'.

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That's O.K. Then Isn't It?

Well not necessarily! Like many apparently straightforward ideas this is nothing of the sort.

First of all, the new system is reliant on GPs being prepared to act as quasi-occupational health specialists. Many of us will, on occasions, have found it hard enough to get our GPs to do their basic jobs let alone take on new work! So the idea that all GPs will want to put much, if any, effort into the new system is a bit fanciful to say the least.

Secondly, GPs have very limited time to discuss, diagnose and prescribe. Many will not want to spend time in a lengthy argument with a patient over whether he or she could return to work.

Other GPs will, very sensibly, shie away from expressing views on peoples' fitness for work in any cases where they believe they could be sued. The pattern of possible events: statement that

someone 'may be fit for work' – dismissal – lawsuit, will not be far from their thinking.

GPs will also need to be very careful that they do not disclose patient details that should remain confidential. These could embarrass patients in all sorts of ways and again lead to legal action. That alone will cause most GPs to limit what they say to employers.

Finally, GPs may have all sorts of experience but it's unlikely that they will know much about your workplace. The presumption that most other peoples' jobs can't be that hard is fairly common ("Surely working in a Bank, 9 till 5 can't be stressful."). Most

GPs will quite rightly be extremely careful not to express views on whether people will be able to return quickly to jobs that they themselves do not understand.

**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:

a phased return to work
 altered hours
 amended duties
 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: _____

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Practical Advice

How should members approach this?

First of all let me say that it's no part of the LTU approach to encourage members to go sick when they can go to work. Members who are fit to go to work should and employers have every justification for pursuing those who don't.

However, we have to deal with the world as we find it; not the world as we would like it to be. Lloyds Banking Group has many absolutely first class managers at all levels but it's also got its fair share of people who see problems as entirely black and white and fail to differentiate between appropriate and inappropriate behaviours.

You should:

1. Think carefully about what you plan to say to your GP during your consultation, keeping in mind that he or she could either force you back to work before you're ready or keep you off work when really you feel well enough to attend.
2. If you feel too ill to go back to work or are well enough to work, even if only part-time, make that completely clear.
3. If you're concerned that your GP might disclose something that you would not

want your employer to know make that very clear too.

4. Ask your GP what he or she plans to write before it's written. If you don't like what is proposed say so – very emphatically.
5. Don't be browbeaten by your GP. GPs are paid for out of your taxes and are there to provide a service. If your GP says something that is patently not in your interests or with which you disagree strongly, ask LTU for advice.
6. Make sure your GP understands the pressures you are under at work. Your GP will have been no stranger to excessive working hours and workloads in his or her early career but won't necessarily understand your workplace. Explaining how you are managed and the pressures you are under may be necessary!

If you are having any issues at work either because of Short or Long-Term Absence or failure to receive Occupational Sick Pay or Statutory Sick Pay then contact the Advice Team on 01234 262868. They are available 24/7 to help you with your questions.

Ian Partridge
General Secretary