

Statement of Fitness for Work (Fit Note)

The Statement of Fitness for Work (Fit Note) replaced the Medical Statements (Sick Note) in April 2010. The decision to change the system was based on the recognition that many people with health conditions can, with some basic help from their employer, work as they recover from their condition. Work can help recovery and it benefits the employer by reducing sickness absence.

External DWP Guidance for Employers and Line Managers is available [here](#)

A Fit Note will state either that the employee is

- *not fit for work*
- *may be fit for work*

Managers should consider making the recommended changes, otherwise the employee may remain off sick for the duration of the fit note.

MANAGER ROLE

The statement of Fitness for work is not binding - the advice is about giving you greater flexibility and better information to manage sickness absence. As the line manager you should consider the suggestions made, however, after discussing the Statement with your employee you have flexibility on how to act on the doctor's advice.

If the absence is due to a disability, you *must* consider making reasonable adjustments for an employee to undertake their role. Help and support is available from the HR Advisory Service.

When your employee presents a fit note stating 'may be fit for work' your role will be:

- To consider the doctor's comments and to agree any adjustments and temporary changes (see table below), other support required and for how long, and a return to work date
- When agreeing a return to work plan you should always be clear on the length of time any temporary amended duties or support is for. Temporary amended duties should normally be limited and reviewed on a regular basis. If the employee cannot then return to their normal duties, you will need to have a discussion on the long-term effects of their health condition on their job, If their condition has a long term, substantial impact on their ability to carry out day to day activities, they may have a disability and you have additional responsibilities under the Equality Act 2010. You are advised to seek the advice of the [HR Advisory Service](#)
- Consider whether there are any additional risks for this period and review whether the control measures are sufficient. You can seek advice from the Health, Safety and Wellbeing Service if necessary
- If you do not understand or are unsure on how to act on the advice on the Statement your first option is to discuss the advice with your employee. They may be able to provide more information on the context of the advice.

Remember you can always get advice from [WCC Occupational Health Provider](#)

- If you cannot make the adaptations or adjustments to help return to work discuss this with the employee, agree a review date and use the Statement (fit note) as if the doctor had advised 'not fit for work'. The employee does not need to go back to the doctor for a new Statement confirming this.
- If you believe that on the basis of the advice from the doctor and your knowledge of the workplace, you can support your employee to return to work and they disagree with your proposal, your first option should always be to discuss the issues with your employee to find out why they believe they cannot return to work. There may be an aspect of their condition or the workplace that you have not considered.
- If no agreement on your employee's fitness for work can be reached, you may want to consult [WCC Occupational Health Provider](#). Your aim should be to ensure that both you and your employee are comfortable with the support that is being offered. If there is disagreement you may wish to suggest that the employee seeks advice from their trade union or representative. Alternatively request that the employee asks the doctor for further clarification.
- A doctor will recommend an occupational health assessment where they feel your employee's condition is complex and/or work may be a contributory factor. It is your decision as a line manager whether to act on this advice and in some cases you may be able to provide simple and practical support to your employee without needing additional expertise. However, for complex and work-related conditions support should be sought from the WCC Occupational Health Provider.
- Statutory Sick Pay is payable under the current rules for any sickness absence of 4 days or more where the employee meets the qualifying conditions. Where a doctor has advised that an employee may be fit for work, but the employee remains off work because you are not able to provide the necessary support, you should consider the advice on the Statement as you would a 'not fit for work' Statement. The Council's responsibilities to pay SSP in these cases remains.
- If you have concerns about the GP proposals regarding fitness to work and the suggested restrictions/adjustments, you can get advice from WCC Occupational Health Provider.

TEMPORARY CHANGES - OPTIONS

Where a doctor has advised that your employee may be fit for work they will include some comments on their patient's condition and, where appropriate, will tick one or more of the four tick boxes on the Statement. Common ways to help someone with a health condition return to work are detailed here

PHASED RETURN TO WORK A doctor will recommend this where they believe that your employee may benefit from a gradual return to work Where this is agreed, establish a pattern of return to work and anticipated timescales, subject to frequent and	For example: <ul style="list-style-type: none">• An employee following an operation could return to work on reduced hours, gradually increasing to their normal hours over an agreed period of time• An employee with a back or shoulder problem, whose job involves lifting, gradually increases the quantity or
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<p>agreed reviews, which are mutually acceptable. Phased returns are usually agreed for a maximum of 4-6 weeks.</p> <p>Guidance on how to process a phased return to work is available here</p>	<p>intensity of their work. This could help them return to work earlier whilst rebuilding their capacity for manual work.</p> <ul style="list-style-type: none"> Options may include – <ul style="list-style-type: none"> Short term modification of workload so that they are not “thrown in at the deep end” and have time to settle in. Adjustment to working hours with the agreement of the individual, if possible within the constraints of service requirement. Mid-week return, so that two or three days back at work is followed by a weekend of rest.
<p>ALTERED HOURS</p> <p>A doctor will recommend this where they believe that your employee will benefit from a change to the hours that they work, in order for them to return to work. This does not necessarily mean working fewer hours.</p>	<p>For example:</p> <ul style="list-style-type: none"> Providing the option to start (and /or leave) later could support someone who is unable to drive and struggles with rush hour public transport to continue working. Allowing more flexible hours could support someone who is still receiving treatment to return to work if their duties were amended to take into account their condition. If a temporary adjustment to hours and conditions is appropriate this should be based on common sense and agreement with the employee (adjustments are usually agreed for a maximum of 4-6 weeks)
<p>AMENDED DUTIES</p> <p>A doctor will recommend this where they believe your employee may be able to return to work if their duties are amended to take into account their condition</p>	<p>For example:</p> <ul style="list-style-type: none"> Removing heavy lifting from the job of someone who has a back injury could help them to return to work whilst recovering from their injury Reducing or removing a more pressured part of a job role (such as dealing with complaints), could help someone off work with stress or other mental health illness to return to work.
<p>WORKPLACE ADAPTATIONS</p> <p>A doctor will recommend this where they believe your employee may be able to return to work if their workplace is adapted to take into account their condition.</p>	<p>For example:</p> <ul style="list-style-type: none"> A ground floor workstation for an individual who has problems going up and down stairs (this may occur in cases of arthritis for example). Arranging for a parking space nearer the workplace, could help someone who has reduced mobility post-surgery return to work.

When your employee presents a fit note stating ‘not fit for work’:

- On the Statement a doctor will state the period their advice is for

- You do not need to be fully fit to return to work and it is a myth that an employee needs to be 'signed back' to work by a doctor. If you agree with your employee that it is appropriate for them to return to work, you do not need to wait until the end of the Statement period for them to do so (ensure you follow guidance above for them to return to work).
- However, in some cases, there are existing procedures to ensure someone is fit to carry out their role safely and these should be followed. For example, with DVLA rules for LGV/PCV drivers.