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Attwaters' Employment Update

From April 2010 the "Sick Note" is replaced by the new "Statement of Fitness to Work" or what is commonly named, the "Fit Note".

This change has been brought about by the concern that extended periods of absence from work can lead to worse psychological or physical illnesses. The "Fit Note" is designed to promote better work life balance and improve the effectiveness of both employee and employer.

The "Fit Note" will provide an opportunity for GPs to suggest amendments to working arrangements and help facilitate employees get back to work. In addition this process starts to address the issue of reasonable adjustments under the Disability Discrimination Act which may be an issue for long term absence or repeat absentees.

The "Fit Note" allows employers to discuss with their employees how they will be able to best assist their return to work or attendance at work with simple changes to their working environment such as working hours, tasks etc. There is a question as to how GPs will receive this and in particular whether or not they will go as far as is hoped in seeking to address ability to work rather than the inability to work due to sickness.

To capitalise on the new "Fit Note" employers should look to change their sickness policies and procedures so as to enhance and maintain the relationship between employee, employer and GP. Training on the new "Fit Note" is available from ACAS and will address issues such as;

- Amended duties and workplace adaptation;
- Phased return to work;
- Confidentiality;
- Disagreement with GP advice and whether it is binding;

We would also suggest that employers review the National Institute for Health and Clinical Excellence ("NICE") guidelines on the management of long term sickness and incapacity for work. This guidance sets out how to deal with long term sickness or serial absenteeism.

Although employers may consider that it is “too much hassle” to deal with such issues it is by far more beneficial to employers in the long run and the business case for reducing costs and increasing employee morale far outstrips the day to day “nuisance” of administering such a scheme.

Should you wish any further information concerning this article or any other employment matters please contact Tim Carter by clicking on the button below.

[Contact Tim Carter](#)



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