



**sick note**



**to**



**fit note**

# Statement of Fitness for Work

– a guide for  
Occupational Health  
professionals

This guide has been produced in  
partnership with the Faculty of  
Occupational Medicine and the  
Society of Occupational Medicine

**DWP**

Department for  
Work and Pensions

From 6 April 2010 the format of the Medical Statement (also known as the Doctor's Certificate or the 'Sick Note') will change.

This guide is for Occupational Health (OH) professionals involved strategically in attendance management and in clinical care. This guide includes information on the Statement of Fitness for Work and how the changes to the Statement affect the processes associated with managing sickness absence.

OH professionals may also find it useful to read the guidance produced for both employers and GPs which is available at **[www.dwp.gov.uk/fitnote](http://www.dwp.gov.uk/fitnote)**

## What is changing?

The main changes are:

- a new option on the Statement – ‘may be fit for work’;
- removal of the option to say an individual is ‘fit for work’;
- more space for the certifying doctor to provide information on functional effects of the condition and/or any treatment planned;
- tick boxes on common ways to aid a return to work; and
- during the first 6 months of sickness, the Statement can be issued for no longer than 3 months at a time.

## What stays the same?

- the Statement continues to be completed only by registered medical practitioners;
- the Statement continues to be required only after the 7th day of sickness;
- the Statement can still be used as evidence for why an employee cannot work due to an illness or injury;
- the information on the Statement is still **advice to the patient**. It is not binding on the employer;
- the requirements for the payment of Statutory Sick Pay have not changed; and
- employer’s obligations under the Disability Discrimination Act have not changed.

## Fit for work?

On the new form certifying doctors will be able to advise one of two options:

**Not fit for work** – This means that the doctor’s assessment of the patient is that they have a health condition which prevents them from working for the stated period of time. This is just like on the old ‘sick note’ where the doctor would advise an individual to “refrain from work”.

**May be fit for work taking account of the following advice** – This means the doctor’s assessment of the patient is that their condition does not necessarily stop them from returning to work, however to do so they will need some support from their employer.

## What kind of advice will doctors give on the form?

Where ‘may be fit for work’ has been advised, doctors will give general advice on the impact of their patient’s condition and, where appropriate, suggest how a return to work could be facilitated.

The information on the form should describe the limitation(s) that the person may have, but should not be too prescriptive about the solution(s). For example a person with low back pain might be advised that they “cannot sit for long periods of time” rather than “should be provided with a better chair” or a person with travel related anxiety might be advised they would “benefit from avoiding travel in peak hours” rather than “should work between 10am and 4pm”.

Recognising that the majority of the forms will be completed by GPs with little or no formal training in occupational health, the form is designed for general advice which does not require detailed knowledge of the patients work or of workplace fitness standards. The patient and their employer can then use this information to discuss how a return to work will be managed.

## Is the advice on the Statement binding on employers?

No. It is up to the employer after discussing the Statement with their employee (and if necessary seeking advice from an occupational health professional), how to act on the doctor's advice.

If the certifying doctor has advised that an employee 'may be fit for work' and the employer cannot make the adaptations or adjustments to help a return to work, they should use the Statement as if the doctor had advised 'not fit for work'. The employee does not need to go back to their doctor for a new Statement to confirm this.

When considering the certifying doctors advice, you should always consider if the advice is consistent with any industry or sector specific safety guidelines or regulations that the doctor may not be aware of.

## Is a final sick note required before an employee can return to work?

No. With the new Statement of Fitness for Work the doctor can say if they do or do not need to see the patient again but unlike the sick note, the Statement of Fitness for Work does not include the option for doctors to advise someone that they are fully fit for work. Employees often 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. This is the case for both an employee returning to work at the end of a period covered by a Statement or at a point earlier than the date on the Statement.

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 the DVLA rules for LGV/PCV drivers.

## Can a doctor use the Statement to specify the input of an OH professional?

Yes. Where the doctor completing the form believes that a referral to an occupational health specialist would be beneficial they can write this in the comments box on the form.

Suggestions as to the situations where this maybe useful are included in the guidance to GPs, namely where the case is a complex one or one which may be work related. It is up to the employer to decide how to act on this advice with regard to initiating an OH referral. The recommendation is not binding on the employer.

## In situations where a doctor has indicated 'may be fit for some work' but an OH professional disagrees, whose opinion will stand?

It will be up to the employer, using the advice on the Statement and any other advice that they seek, to agree with the employee if and how they will return to work.

## Will OH professionals be overwhelmed with referrals when line managers receive Statements containing advice about adaptations?

This is unlikely to happen as the advice provided by doctors should be able to be easily actioned by line managers without referral to specialist services. This is because the majority of Statements will be for common health conditions for which simple actions, such as amended hours or duties, will be appropriate.

## What could OH professionals do now?

The introduction of the new Statement of Fitness for Work provides an opportunity for OH professionals to raise their visibility within organisations and demonstrate their contribution through collaborative working and strategic leadership. The input which OH professionals will have will depend on the resources available and contractual arrangements in place but OH professionals could:

- work with employers, trade unions/employee representatives and human resources (HR) colleagues to review sickness absence/attendance management policies to take account of a flexible return to work and ensure that all guidance to line managers on handling Statements is up to date;
- work with internal communications colleagues to ensure that employees and line managers are familiar with the changes;
- ensure that there is clear guidance and, if appropriate, training for line managers who will receive Statements. This may include advice on adaptations and when to contact OH for further advice or when to make an OH referral;
- work with HR to monitor whether the guidance for line managers is comprehensive enough when the new Statements are introduced;
- if applicable, work with HR colleagues to ensure any external contractors involved in managing absence/attendance, are fully briefed on their organisation's approach to the new Statements; and
- set up mechanisms within their organisations to evaluate the impact of the new Statement on their business.

## Important information about this leaflet

This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this leaflet is correct as of March 2010. It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law.

This report can be accessed online at:

**[www.dwp.gov.uk/fitnote](http://www.dwp.gov.uk/fitnote)**

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