

HR Guide: Dealing with GP Fit Notes and Phased Returns to Work

Version: 2.1



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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Version Number	Effective Date	Details of Last Revision
2.1	14.07.14	Updated onto new policy template

Section 1: Introduction

- 1.1 The fit note was introduced to replace the old sick note in April 2010. Doctor's issue fit notes to individuals to provide evidence of the advice the doctor has given about the individual's fitness for work.
- 1.2 Employees can only be given a fit note if their doctor considers their fitness for work is impaired. If someone is fit for work, they will not be given a fit note. Doctors cannot issue fit notes during the first seven calendar days of sickness absence. Employees can self-certify for this time.
- 1.3 To help more people get the support they need to get back to work the new fit note system means that doctors can advise that an employee is either;
- Unfit for work; or
 - May be fit for work
- 1.4 The focus is therefore about what the employee CAN DO rather than just stating that the employee is not fit to work. If an employee is too ill to work the doctor will advise this.
- 1.5 The changes are not about trying to get people back to work before they are ready, but about removing the challenges to them returning. This is about managers and employees working together and being open and honest. By working together to find an arrangement that suits both the employee and the service, we can provide real benefits to the employee and the Council.

Section 2: What might the employee's GP advise?

- 2.1 A doctor will be able to suggest ways of helping an employee get back to work. The fit note has the following 'tick boxes';
- A phased return to work
 - Altered hours
 - Amended duties; and/or
 - Workplace adaptations
- 2.2 The doctor will also provide written comments on the form offering a more detailed view of the kind of things that may help. They may also indicate that an Occupational Health Assessment may be required to determine specific advice regarding workplace adaptations and support.
- 2.3 The advice on the fit note is not binding; however all of the GPs recommendations should be seriously considered, and discussed with the employee in order to help support the employee back to work sooner. A record of this meeting should be made and kept in the employee's file, see [section 3](#)

Section 3: Procedure – Considering the GPs Advice

If the GPs fit notes advises that an employee 'may be fit for some work', the employee should advise their line manager as soon as possible. Managers should arrange to meet with the employee within 2 days, to discuss the content of the fit note and arrange any support required.

The ['Fit Note Discussion – Pro Forma'](#) should be completed during the meeting, which may or may not be in conjunction with the Return to Work interview.

The following sections discuss the types of support to return to work the GP can suggest;

(a) Phased Return to Work;

When an employee has been off work because of illness, it is not always easy for them to return to work in a single step. A sudden return to full time work and its responsibilities can be counterproductive. Therefore, a doctor or Occupational health may recommend a phased return to work where they believe that an employee may benefit from a gradual increase in the intensity of their work duties or their working hours. The Service will also benefit from a quicker return to work and contribution to service delivery.

Together with the employee you should discuss and agree a phased return to work which builds up to normal hours over the time period, as suggested by the GP/Occupational Health.

- This should consider the number of days and hours required each week until the week when full duties should be in place. This must be mutually agreed by both parties.
- The plan should also consider the requirements of the team balanced against those of the employee. The team should be briefed that special arrangements have been agreed.
- The action plan should be agreed in writing. Confirm the start and end date, and the hours the employee is expected to work on each day.
- A phased return should usually aim to achieve an effective return to work within 4 weeks. However, it can be extended beyond 4 weeks, following advice from Occupational Health and/or HR, before doing so.
- It may also be appropriate to review the plan at the midway point from beginning the phased return, to check on your employee's progress. Document all review meetings.
- In complex cases you should carry out a risk assessment and seek Occupational Health advice.
- Phased returns remove the employee from sickness absence; they are recorded as back at work on the personnel information system CHRIS.

(b) Pay and Annual Leave during Phased Return;

The Council is keen to support employees back to work as soon as is practical and believes that the employee should not normally suffer any detriment by returning to

work early on a phased return basis. Where advised by Occupational Health that a phased return would be beneficial and the employee would have been eligible for full sick pay for the duration of the phased return, North Ayrshire Council will support a structured phased return by continuing to remunerate the employee with their contractual salary for up to a maximum of four weeks. The time not at work is to be recorded as authorised absence for this period (not Special Leave).

Following the 4 weeks phased return OR if during the agreed period of 4 week phased return the employee would have commenced to half occupational sick pay allowance, accrued annual leave can be used for the remainder of the phased return. This would enable the employee to remain on full pay. If they do not wish to use their accrued annual leave during a phased return, the days not worked will be authorised unpaid.

If the phased in period is to be extended beyond the 4 week period or if the employee by continuing to be on sick leave would attract half pay then the employee can initially use their accrued annual leave to facilitate their phased return. This would enable the employee to remain on full pay. If they do not wish to use their accrued annual leave during a phased return the days not worked will be authorised unpaid.

Should the phased return be at the beginning of the year, the Council will allow annual leave to be carried forward from the previous year for the purposes of a phased return only up to 31st March.

Only once the employee has exhausted their accrued annual leave, any remaining days to facilitate the phased return may be authorised as special leave.

Where an employee is on half pay and they have exhausted their accrued leave the Council may authorise special leave to remunerate the employee to an amount equivalent to their half pay sickness allowance for remainder of the phased return.

Phased returns using authorised paid phased return leave or special leave will, in any case, not be for longer than a 4 week period. The duration of the accrued annual leave part of the phased return is subject to agreement of management and the employee.

If the employee is absent because of illness on any day/s when he or she agreed to be at work during the phased return this should be recorded as sickness absence and paid in terms of the occupational sick pay allowances scheme.

On completion of an agreed phased return programme, the employee should return to work as per their contract of employment. If the phased return is unsuccessful other options should be considered. Options could include, reduced hours on a permanent, long term or temporary basis or redeployment. The Manager should contact HR for further advice.

(c) Altered Hours;

A doctor may recommend this where they believe that an employee will benefit from a change to the hours that they work. This does not necessarily mean working fewer hours. For example, providing the option to start (and/or leave) either earlier or later could support someone who is unable to drive or 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 and continue attend treatment sessions during working hours.

The manager and employee should discuss and agree when and how the employee will return to normal working hours, in line with the GPs recommendations.

(d) Amended duties;

A doctor might recommend amended duties where they believe an employee may be able to return to work if their duties are adjusted to take into account their condition. For example, reducing or removing a more pressured part of a job role (such as dealing with complaints), could help someone off work with stress return to work.

The employee and manager should investigate whether there are other reasonable duties that the employee can do whilst they recover, whilst considering the impact of the amended duties on other employees. The Manager may consider referring the employee to Occupational Health for advice to ensure the amended duties are suitable for the employee's medical condition.

(e) Workplace Adaptations;

A doctor may recommend this where they believe an employee may be able to return to work if their workplace is adapted to take account their medical condition. For example, a ground floor workstation for an individual who has problems going up and down stairs, where no lift is available.

The employee and manager should discuss the GPs advice, the length of time required and the cost of implementing such recommendations. If an employee has a condition covered under the definition of disability in the Equality Act 2010, the Council's has a legal obligation to consider reasonable adjustments

Section 4: Putting the GPs advice into Practice

a) Workplace Risk Assessments

In determining what action you are able to take as a result of advice given on a fit note, you will need to consider whether a revised workplace risk assessment is required and to keep it under review. A risk assessment is nothing more than a careful consideration of what, in your workplace, could cause harm to people, so you can weigh up whether you have taken enough precautions or if more should be done to prevent harm. Please refer to the Health and Safety Guidance – Risk Assessment, for further information.

b) Return to Work Plan

The Employee should be provided by the GP with the details of what has been agreed as part of the GP Fit Note discussion. The GP should state the period of time the support should be in place for. When agreeing a return to work plan you should always be clear on the duration any amended duties or support is for. If the employee cannot then return to their normal duties, you may need to discuss further e.g. the long term effects of their health condition, and possibly taking into account the Equality Act 2010 if appropriate. It may also be appropriate to meet with the employee weekly/fortnightly to assess how the support programme is working for them and their progress on making a full return to work/duties.

The Manager should ensure the team affected should be made aware of the supports being put in place and the duration. This is particularly important where an employee's workload has been modified.

c) Where it is not possible to implement GPs advice

Where it is not possible for you to provide the support for an employee to return to work, you and your employee should use the statement as if the doctor had advised 'not fit for work'. The employee will be entitled to Statutory and Occupational Sick pay as normal. The reason for not implementing should be explained to the employee. The Fit Note clearly states that the GPs advice is not binding and requires the employer's agreement.

The ['Fit Note Discussion – Pro Forma'](#) should be completed and signed, and a follow up letter sent to the employee.

Section 5: Impact on Maximising Attendance Procedures

An early return to work under the fit note system should not put the employee in detriment i.e. the hours where the employee is not at work (as part of a phased return or altered hours) will not be counted towards the management action triggers for sickness absence. However, where an employee calls in sick on a day they were scheduled to work as part of their phased return, this absence will be counted.

Where the employee has been advised that the fit note has been reverted to not fit for work, this absence **will** count towards the maximising attendance triggers, this is due to the employee being unfit for their job, and the Council being unable to offer the support to help the employee back to work

Section 6: Employee wishes to return to work prior to expiry of Fit Note

Sometimes an employee will feel able to return to work before the end of a medical certificate (Fit Note Statement) period, where a doctor has advised that they are not fit for work. This may be because the employee has recovered faster than the doctor

expected, or the doctor did not know ways in which the Council could support the employee back to work.

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. Employers do not need a Medical Statement stating fitness for work for an employee to return to work. If the doctor needs to see the patient again this will be advised on the Fit Note. If during the subsequent consultation the GP feels your employee is able to return to work without any limitations, the doctor **will not** issue your employee with a new statement – GPs no longer sign employees ‘fit for work’.

However, Managers will need to continue to manage their employees appropriately and carry out a risk assessment – based on evidence from the doctor, your knowledge of the work and the workplace. If you have any concerns about an employee returning to work too soon, you should contact Human Resources for further advice on the best action to take.

Appendix 1 - Fit Note Discussion – Outcome Form

1) Employee Details:

Name/Employee Number		
Designation:		
Work Location:		Telephone Number:

2) Absence Details:

Brief description of current absence record: (e.g. long term/short term/reason for absence)	
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3) Advice on Fit Note

(Note down the recommendations on the Fit Note)	
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4) Return to Work Plan/Agreement;

Has a Return to Work Plan been agreed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, date agreement in place	From:	To:
If No agreement, please provide justification. If yes, please provided details of agreement, (i.e. amended duties/phased return/ altered hours – be specific).		
Additional Details: Provide any additional details and attach relevant documentation e.g. risk assessment/occupational health reports.		

Administrative Note: *The Manager should follow this meeting up with a formal letter, setting out the agreement for returning to work/not returning.*

Signature (Employee): _____

Date: _____

Signature (Manager): _____

Date: _____