

Statement of Fitness for Work



MPS



Putting members **first**

Advice correct as of January 2015

Fit note is an informal name for the Statement of Fitness for Work. The Statement intends to advise patients who are on sick leave for more than seven days on whether, with extra support from their employer, they could return to work.

The Statement of Fitness for Work allows GPs to provide more information about the effects of a patient's illness or injury. Hospital doctors with clinical responsibility for a patient who is unable to return to work also need to complete the fit note. Most GPs provide computer-completed fit notes, whereas hospital doctors, GPs on home visits or GPs with older IT systems provide handwritten fit notes. Doctors can document that the patient:

- "Is not fit for work" or
- "May be fit for work taking account of the following advice".

There is space to add more general advice about the impact of an illness or injury, or the functional effects of a patient's condition. The Statement also includes tick boxes to suggest common ways in which the employer could make simple changes to the patient's job to support an earlier return to work.

Examples of extra support needed in order to return to work could include:

- A phased return to work
- Temporarily working different hours
- Amended duties or tasks
- Additional practical support, eg, exemption from heavy lifting for patients with a back problem.

If an employer is unable to provide the support needed for a patient to return to work, the Statement can be used as if you had advised the patient was "not fit for work", and a further form is not required. Assessment can also be done over the telephone.

- During the first six months of sickness, the Statement can be issued for no longer than three months.
- If patients are not fit for work, the Statement can be used as evidence for pay and benefit purposes
- The Statement remains advice from you to your patient, and as such the advice is not binding to employers.

Benefits to the patient

The Statement of Fitness for Work aims to help patients – who are able to – get back to work as quickly as possible. The longer a person is absent through illness, the lower the chances are of them returning to work. In addition, evidence suggests that long periods out of work can lead to poor mental and physical health, an increased use of health services, and poverty.

Patients may have a pre-conceived idea that in order to get better, they must stay off work, and so it is important to be prepared to discuss the health benefits of a return to work, perhaps with some adaptations in the interim.

Working within your competence

The GMC's *Good Medical Practice* states that you must be honest and trustworthy when completing or signing forms, reports and other documents. You should be cautious that, when dispensing advice or suggestions for alterations to workplace conditions, it is kept as generalised as possible. You should not attempt to give detailed advice on occupational health issues, unless you have additional knowledge and expertise in this field.

The Department of Work and Pensions guide, *Statement of Fitness for Work: A Guide for General Practitioners and Other Doctors*, stresses: "The advice you give is on the functional effects of the condition within the limits of your knowledge and expertise. This advice will help your patient's employer to make a more active contribution to your patient's recovery."

If, after the consultation, you feel work itself may be a contributor to the patient's ill health, or that the issues are complex, you could recommend that an occupational health assessment is considered.

Care should always be taken to avoid unintentionally disclosing confidential medical information without the informed consent of a patient. For more information, see the MPS factsheet *Confidentiality – General Principles*.

Further information

- MPS factsheet, *Confidentiality – General Principles* – www.medicalprotection.org/uk/factsheets
- Department for Work and Pensions, *Statement of Fitness for Work: A Guide for General Practitioners and Other Doctors* – www.dwp.gov.uk/fitnote
- Directgov, Information for patients – www.direct.gov.uk
- GMC, *Good Medical Practice* (2013) – www.gmc-uk.org
- Department for Work and Pensions, *Fit for Work. Guidance for GPs* (2014) – www.gov.uk/government/uploads/system/uploads/attachment_data/file/389273/fit-for-work-gps-guide.pdf

Useful link:

www.medicalprotection.org.uk/practice-matters/issue-3/getting-to-grips-with-fit-notes

For medicolegal advice please call us on:

0845 605 4000

or email us at: querydoc@mps.org.uk

www.mps.org.uk

This factsheet provides only a general overview of the topic and should not be relied upon as definitive guidance. If you are an MPS member, and you are facing an ethical or legal dilemma, call and ask to speak to a medicolegal adviser, who will give you specific advice.

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