

## Sick note to fit note

	Sick note	Fit note
Is the advice on the med 3 binding on employers?	No. Any advice given by the GP was not binding.	Unchanged. The employer should decide, after discussing the Statement with their employee, how to act on the doctor's advice. If the doctor has advised that the employee 'may be fit for work', and the employer cannot make the adaptations or adjustments to help a return to work, the employer should explain the reasons for this to their employee and then use the Statement as if the doctor had advised 'not fit for work'.
What if the employer disagrees with the diagnosis stated on the form?	A doctor's statement was considered as strong evidence of incapacity and should usually have been accepted as conclusive unless there was more compelling evidence to the contrary. However, the employer had the right to be satisfied that the medical evidence provided was sufficient evidence of their employee's fitness for work.	Unchanged. Further advice and information can be found via the HMRC at: <a href="http://www.hmrc.gov.uk/helpsheets/e14.pdf">www.hmrc.gov.uk/helpsheets/e14.pdf</a>
Can an employee return to work before the end date stated on the Med 3?	Yes. If the employer agreed with their employee that this was appropriate they did not have to wait until the end of the stated period to do so.	Unchanged
If the employee wants to return to work before the date stated on the Med 3 do they need another Med 3 to confirm they are fit to do so?	No	Unchanged. 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. If an employer feels that they need confirmation that an employee is fit for work they can arrange this privately

		through the GP or an occupational health specialist.
How long can an employee self-certify for?	The first 7 calendar days of sickness	Unchanged
Can a doctor issue a Med 3 on the basis of a telephone consultation?	No. A sick note could only be issued on the basis of a face-to-face consultation.	Yes. Where the doctor considers it appropriate they can issue a Med 3 on the basis of a telephone consultation.
Who can issue a Med 3?	Only a registered medical practitioner (ie. a doctor) could issue a sick note.	Unchanged. However, registered medical practitioners can now issue fit notes based on a written report by another doctor or registered healthcare professional
How long can the Med 3 be issued for during the first 6 months of sickness absence?	The sick note could be issued for a maximum of 6 months.	The fit note can be issued for a maximum of 3 months during the first 6 months of the sickness absence. After this point a Statement can be issued for any clinically appropriate period up to 'an indefinite period'.
What information about the doctor does the DWP require the Med 3 to bear?	The Med 3 should bear the doctor's signature and address completed in ink or other indelible substance.	Unchanged. If the doctor wishes to provide further information i.e. a phone number or prescribing code, they are free to do so.
Should hospital doctors issue Med 3s?	The duty to provide a Med 3 rested with the doctor who at the time had clinical responsibility for the patient.	Unchanged. In many cases it is the hospital doctor who is best placed to give advice on a patient's fitness for work.
If the employer cannot make any of the adjustments recommended, does the employee need further certification declaring them as 'not fit for work?'	NA	No- the Statement should be used as if the doctor had advised 'not fit for work'. By recommending that the patient 'may be fit for work' and could return to work with adjustments, the GP is highlighting that the patient has a health condition which affects their ability to carry out their normal duties. Therefore, if the employer

		cannot make the adjustments recommended the fit note then indicates that, as the employee is unable to carry out their normal duties, they are 'not fit for work.' The employee does not need to go back to their doctor for a new Statement to confirm this.
When a fit note has a specific end date on it, on what actual date can the employee be expected to return to work?	NA	The period of absence stated on the fit note covers the period up to and including the end date therefore the employee would return to work the following day.
How does the fit note affect SSP?	NA	There are no changes to the qualifying conditions for payment of SSP as a result of the introduction of the Statement of Fitness for Work. In a few circumstances certain combinations of phased returns to work may affect the SSP rules surrounding PIWs (Period of Incapacity for Work). More details can be found at <a href="http://www.hmrc.gov.uk/employers/ssp-faq.htm">http://www.hmrc.gov.uk/employers/ssp-faq.htm</a>
How does a fit note that declares the patient may be fit for work affect their entitlement to benefits?	NA	The way patients apply for benefit has not changed. If the fit note says they 'may be fit for work', they can still apply for benefit. Information on how to claim benefit is on the back of the fit note