

Insights

FROM 1 JULY 2022: FIT NOTES CAN BE ISSUED BY A WIDER GROUP OF HEALTHCARE PROFESSIONALS

NEW LEGISLATION

Jun 29, 2022

SUMMARY

From Friday 1 July, fit notes certifying sickness absence for employees can be written by a wider group of healthcare professionals, including pharmacists and nurses. Jackie Thomas looks at the implications of the new legislation.

A “Statement of Fitness For Work”, known as a “fit note”, is an official written statement that provides a medical opinion on an individual’s fitness for work. In order to obtain statutory sick pay (SSP) following seven days of absence, an employee must provide a fit note as evidence to their employer of their inability to work.

At present, only medical doctors are able legally to issue fit notes.

However, from 1 July this will change. A wider group of healthcare professionals will be able to issue fit notes, namely nurses, occupational therapists, pharmacists and physiotherapists. The rationale behind the change is to reduce pressure on GPs, freeing up time for patients to book appointments and to increase generally time for patient care. BMA England GP committee deputy chair, Dr Kieran Sharrock said:

“At a time when the entire NHS is under pressure, reducing unnecessary administration and bureaucracy, while taking a more flexible and pragmatic approach to patient services is absolutely vital”.

WHAT DOES THIS MEAN FOR EMPLOYERS?

In theory, the impact of the change is intended to be limited, in that it permits a wider group of healthcare professionals to issue fit notes for **statutory purposes only** (SSP and other social

security benefits). However, in practice, this may have a wider impact which employers should take into consideration.

First, there is a risk that the broadening of the categories of professionals legally able to issue fit notes could lead to an increase in employees obtaining approved sickness absence with less stringent assessments being carried out. If this proves to be the case, employers may need to deal with an increase in sickness absence which exceeds the self-certification period.

Secondly, while fit notes are intended to relate to SSP entitlement, they are often a built in part of sickness absence policies with the right to receive company sick pay, in some cases for long periods, contingent only on receipt of a fit note. Going forward, therefore, employers may wish to review their absence policies to include a requirement for employees to obtain fit notes specifically from GPs or medical doctors, rather than other “healthcare professionals”, as a condition of the entitlement to receive company sick pay.

Employers may feel this is important in that a GP/medical doctor may be best placed to provide a diagnosis and prognosis for long-term absences, or for complex conditions such as stress-related anxiety and depression. Employers should also check their policy includes a provision which entitles them to obtain a more detailed medical report either from the employee’s treating physician or from occupational health for more complex cases of absence. This is already good practice but may become more important as a result of this change.

Employers should also ensure those responsible for absence management, as well as employees themselves, are aware of the changes, both to the statutory fit note rules and to any consequential changes made to company policy.

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