

# Withdrawn

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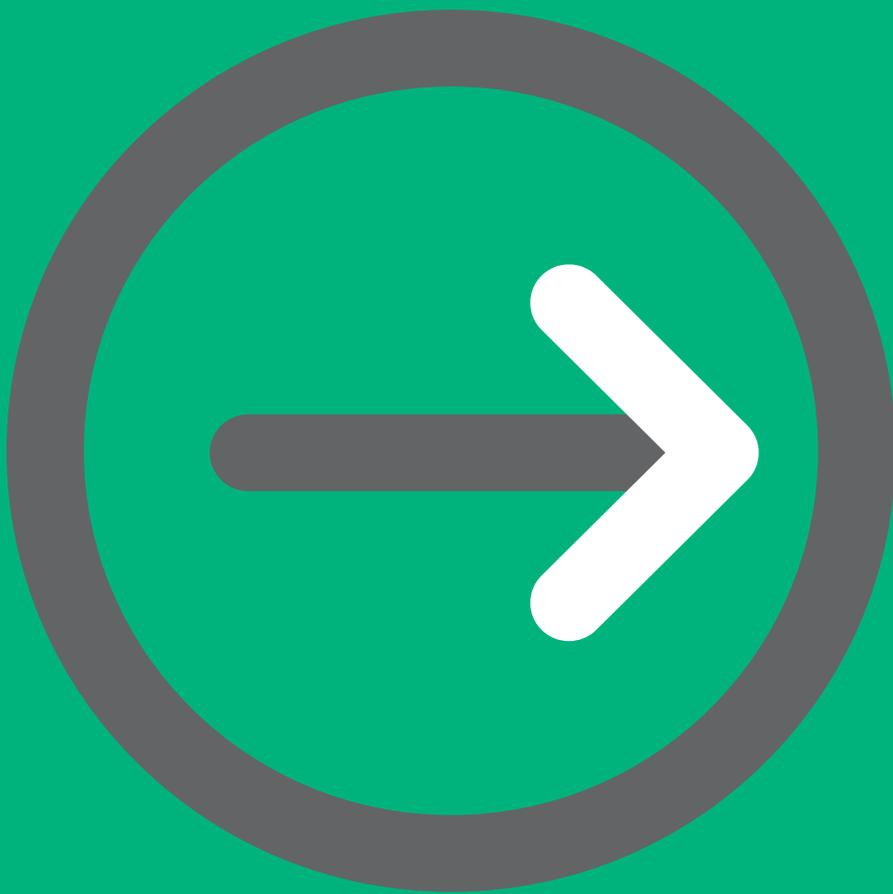
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Department  
for Work &  
Pensions

# Fit for Work

Guidance for employers



For details on when referrals to the Fit for Work assessment can be made in your area please visit: [www.gov.uk/government/collections/fit-for-work-guidance](https://www.gov.uk/government/collections/fit-for-work-guidance)



# Fit for Work – summary guidance for employers

Fit for Work helps you to manage sickness absence in your work place and provides you, your employee and their GP with access to work-related health advice.

## **Fit for Work provides:**

- **Free health and work advice** through a website and telephone line to help with absence prevention.
- **Free referral for an occupational health assessment** for employees who have reached, or whose GPs expects them to reach, four weeks of sickness absence. Employees will normally be referred by their GP. Employers can also make a referral after the employee's fourth week of absence.

From 1st January 2015 the Government is also introducing a tax exemption of up to £500 (per year, per employee) on medical treatments recommended to help their employees return to work. This will be applicable to treatments recommended by health professionals within Fit for Work and health professionals within employer-arranged occupational health services.

**Fit for Work guidance for employers will be regularly updated as referrals to the Fit for Work assessment rolls-out across Great Britain.**

# What does Fit for Work mean for employers?

- You can access web and telephone advice about any work-related health matters affecting your employees and your workplace
- If your employee is referred to Fit for Work for an assessment, you may receive a Return to Work Plan via email (or post if appropriate). This will provide advice and recommendations you can take to get your employee back to work. In England and Wales visit [www.fitforwork.org](http://www.fitforwork.org) to see where the service is currently live, where it will be rolling out and sign up to receive roll out updates. In Scotland visit [www.fitforworkscotland.scot](http://www.fitforworkscotland.scot) to find out what is available and how to get in touch

You can accept the Return to Work Plan as evidence of sickness absence in the same way as a fit note issued by a GP. You will not need to ask your employee for a fit note as well.

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# How does Fit for Work benefit employers?

- Fit for Work can help reduce your sick pay costs, by enabling employees to return to work earlier
- Importantly, Fit for Work can particularly benefit Small to Medium Sized Enterprises (SMEs) which may have limited access to occupational health advice and services

Being employed helps promote recovery and rehabilitation and prevents the harmful physical, mental and social effects of long-term sickness absence. Fit for Work is designed to assist you as an employer in helping employees to get back to work as soon as is appropriate.

# Do I need to take any action?

Your sickness absence policy may need to be updated to cover Fit for Work.

It is not mandatory for employers to refer employees to Fit for Work, nor to implement the recommendations highlighted in the Return to Work Plan. However, we recommend you update your sickness absence policies to reflect the availability of Fit for Work. You may want to tell your staff:

- about the advice that is available from the Fit for Work website or telephone line
- that they may be contacted by Fit for Work about an employee who has been referred by their GP
- if and when you would like them to consider referring an employee to Fit for Work
- what they should do if they receive a Return to Work Plan from Fit for Work and how they can support recommendations in a Return to Work Plan

## **I usually ask my employees to give me a fit note when they are off sick. Can I accept a Return to Work Plan instead?**

Statutory Sick Pay legislation allows you to accept a fit note or other evidence which may be sufficient to support payment of Statutory Sick Pay. Under other evidence you can accept a Return to Work Plan as statement for fitness for work, removing the need for your employee to provide you with a fit note, unless they remain off work when they are discharged from Fit for Work.

# How do I refer my employee for a Fit for Work assessment?

Employees referred by employers will need to be eligible for the service:

Eligible employees	Ineligible employees
✓ Still employed	✗ Are living outside England, Scotland or Wales
✓ Have been absent from work for four weeks or more	✗ Are not absent from work
✓ Have a reasonable likelihood of making at least a phased return to work	✗ Are self-employed
✓ Have not been referred for a Fit for Work assessment already within the last 12 months and have not received a Return to Work Plan	✗ Have been referred for a Fit for Work assessment already within the last 12 months and have received a Return to Work Plan
✓ Have provided consent to be referred	✗ The employee's GP has already made a referral to Fit for Work
	✗ Consent is not given

Note: Employees must provide consent at all stages of the assessment process. Consent must be explicit, informed and freely given. For further information please refer to the detailed guide.

You can access Fit for Work advice and make a referral for an assessment by using the following web links and telephone numbers below. For details on when referrals to the Fit for Work assessment can be made please visit [GOV.UK](https://www.gov.uk).

**England and Wales** [www.fitforwork.org](http://www.fitforwork.org)  
0800 032 6235  
Opening hours advice: Monday to Friday 8.30am to 6.00pm  
Opening hours assessment: Monday to Friday 8.30am to 6.00pm

**Welsh Language Line** [www.fitforwork.org](http://www.fitforwork.org)  
0800 032 6233  
Opening hours advice: Monday to Friday 8.30am to 6.00pm  
Opening hours assessment: Monday to Friday 8.30am to 6.00pm

**Scotland** [www.fitforworkscotland.scot](http://www.fitforworkscotland.scot)  
0800 019 2211  
Opening hours advice: Monday to Friday 9.00am to 5.00pm  
Opening hours assessment: Monday to Friday 9.00am to 8.00pm

# Fit for Work – a detailed guide for employers

We have developed this guide with help from doctors, employees and employers. It is designed to help you make the best use of Fit for Work and help your employees return to work as quickly as appropriate.

## Introduction to Fit for Work

Fit for Work offers free occupational health assessments for your employees who reach four weeks of sickness absence to help them return to work sooner. You and your employees can also benefit from free work related health advice through a telephone advice service and website.

- Fit for Work can help reduce your sick pay costs, by enabling employees to return to work earlier.
- Importantly, Fit for Work can benefit Small to Medium Sized Enterprises (SMEs) which may have limited access to occupational health advice and services.
- Being employed helps promote recovery and rehabilitation and prevents the harmful physical, mental and social effects of long-term sickness absence. Fit for Work is designed to assist you as an employer in helping employees to get back to work as soon as is appropriate.

We expect the majority of referrals to the assessment service to be made by GPs. However, you will be able to refer your employee for a Fit for Work assessment providing they meet the eligibility criteria (see below).

## Within this guide:

- What is Fit for Work?
- Who provides Fit for Work?
- Employee eligibility criteria for an assessment
- What happens once a referral is made to Fit for Work for an assessment?
- How are employers involved in the process?
- How does Fit for Work benefit you and your employees?
- What is the Government's tax exemption?
- How does Fit for Work affect current occupational health services?
- How does Fit for Work affect sickness absence policy?
- How do I access Fit for Work?
- Frequently Asked Questions

**This guide has been developed in consultation with employer and employee representative groups and professional bodies. The guidance has also been developed in conjunction with ACAS.**

# What is Fit for Work?

## Advice

Fit for Work provides advice to help support your employees when a health condition is affecting their job. This might involve providing information on the type of adjustments which could help them stay in or return to work, or more general work related health advice. The advice service is open to all UK citizens.

## Advice access

### England and Wales:

[www.fitforwork.org](http://www.fitforwork.org)

0800 032 6235

### Welsh Language Line:

[www.fitforwork.org](http://www.fitforwork.org)

0800 032 6233

### Scotland:

[www.fitforworkscotland.scot](http://www.fitforworkscotland.scot)

0800 019 2211

## Referral for an occupational health assessment

Fit for Work provides a referral to an occupational health assessment for your employees who have been absent from work for over four weeks due to sickness. Research suggests absence spells of around four weeks in length present a material risk of a more sustained spell of absence or the individual leaving employment altogether.

Employees will be contacted within two working days of a referral by their GP or their employer. They will receive an assessment by an occupational health professional. This assessment will usually take place over the telephone<sup>1</sup>.

The assessment will seek to identify all potential obstacles preventing the employee from returning to work (including health, work and personal factors) and involve agreeing a plan designed to address each obstacle to enable a safe and sustained return to work.

- This **Return to Work Plan** will reflect the assessment and provide advice and recommendations for interventions to help the employee return to work more quickly.
- Subject to the employee's consent at all stages, the Fit for Work case manager may deem it necessary to contact an appropriate individual within your organisation to help form the Return to Work Plan. You will subsequently be provided with the Return to Work Plan in order to inform you of the recommendations.
- The decision about whether to implement any recommendations made in a Return to Work plan remains for you (the employer) and your employee. Alternatively, a decision may be a matter for the employee's GP, depending on the nature of the recommendation. We would encourage all parties to act on the recommendations of Fit for Work.

**Note: Legislation allows you to accept the Return to Work Plan as evidence of sickness absence in exactly the same way as a GP fit note. You do not need to ask your employee to obtain further fit notes.**

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1 Burton, K., Kendall, N., McCluskey, S. and Dibben, P. (2013). Telephonic support to facilitate return to work: what works, how, and when?

### Who provides Fit for Work?

In England and Wales Fit for Work is being delivered by Health Management Limited. In Scotland, Fit for Work Scotland is being delivered by the Scottish Government via NHS Scotland.

**Fit for Work**

**Fit for Work**  
**Scotland**

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## Employee eligibility criteria for an assessment

In order for an employer to refer an employee to Fit for Work for an assessment the employee must:

- have been absent from work for four weeks due to illness; and
- have a reasonable likelihood of making at least a phased return to work

Your employees will not be eligible for referral to the assessment part of Fit for Work if:

- they live outside England, Wales and Scotland
- they are not absent from work
- they have previously been referred to the service within a 12 month period and have received a Return to Work Plan as a result
- their GP has already referred them to Fit for Work
- they do not consent to the referral

GPs are able to refer earlier or later than four weeks if they judge an employee will be absent for four weeks and an earlier referral may be beneficial. For example, they may judge a referral is not appropriate at four weeks, but is suitable at six weeks following recovery after hip replacement surgery. GPs will exercise professional judgement about the clinical appropriateness of referral.

# What happens once a referral is made to Fit for Work for an assessment?

Fit for Work will contact the employee to conduct an occupational health assessment at a convenient time for them within two working days of receiving a referral.

If a face to face assessment is deemed necessary, an assessment will take place within 5 working days of this judgement being made. The provider will pay reasonable travel expenses for any face to face assessment at your employee's request. Your employee will need to speak to their case manager for further details on how to make a claim.

The assessment is carried out by an occupational health professional who becomes the employee's case manager through to the end of the process. The assessment will involve the health professional taking a holistic or 'biopsychosocial' approach to look into all of the health, work, and other issues, e.g. personal and social that may be affecting the employee's ability to return to work. The assessment will include questions about the impact of their condition and their job role. The assessment will result in the formation of a Return to Work Plan, which will reflect the assessment, advice and recommendations agreed with the employee to help them return to work more quickly.

The Return to Work Plan will be shared with the employee and, with their consent, also with their employer and their GP. Employers and employees will receive Return to Work Plans via email, or where appropriate by post. Where a GP or an employer makes a referral to a Fit for Work assessment, they may be able to access the Return to Work Plan through a web link subject to employee consent.

The case manager will contact the employee at an arranged point to check if the plan is on course and in addition will contact the employee shortly after the return to work date. If necessary the case manager will arrange for a further assessment by Fit for Work, for example if the employee has not returned to work as anticipated. The Return to Work Plan may also be revised to reflect any changes that are necessary.

Employees will be discharged from Fit for Work when they have returned to work (including a phased return to work), or at the point when Fit for Work can no longer provide further assistance or if a return to work has not been possible after three months.

Following discharge of an employee from Fit for Work, short contact will be made with your employee and you (if you have made the referral) to receive feedback about the service. This will help support continuous evaluation and improvement of the assessment service.

# How are employers involved in the process?

Subject to the employee's consent, the case manager conducting the assessment may deem it appropriate to contact an appropriate individual within your organisation (e.g. the employee's line manager or a member of your own occupational health service) to discuss factors which might help to develop the Return to Work Plan.

We expect Fit for Work will contact employers when it is necessary:

- to gain a better understanding of the specific workplace context and any limitations than can be provided by the employee themselves
- when recommendations in a Return to Work Plan have not been actioned - to ensure that any recommendations have been fully understood. This may include taking a facilitation role between the employee and the employer
- the relationship with the employer has been identified as one of the obstacles to a return to work – to ensure that the employer and employee both understand (i) the impacts of the condition on the ability to return to work; and (ii) the potential constraints of the workplace situation

Fit for Work may also receive information directly from employers as part of an employer referral.

After gaining employee consent, the case manager will share the Return to Work Plan with an appropriate individual within your organisation, your employee and their GP.

As above, the decision to implement any recommendations made by the Return to Work plan resides with you (the employer), your employee and the employee's GP. However, we would encourage all parties to act on the recommendations of Fit for Work.

# What information does the Return to Work Plan provide?

The Return to Work Plan is designed to address each obstacle that has been identified during the assessment to enable a safe and sustained return to work. As a result a Return to Work Plan may include one or more of the following:

- A letter stating what the plan covers and how it can be used
- Consent to share boxes which indicate if the employee has consented to sharing this plan, or parts of it, with you
- Obstacles to returning to work
- Recommendations (this may include work adjustments)
- Target completion dates
- Signposting to other organisations/services
- Return to Work Plan FAQs
- A Return to Work Plan summary (Statement of Fitness for Work element)
- Social Security Benefits Information

It is important for employers to remember that under Regulation 2(1) of the Statutory Sick Pay (Medical Evidence) Regulations 1985, a Return to Work Plan can be accepted in exactly the same way as you would accept a GP's fit note. You can therefore request that your employee provides you with a Return to Work Plan as evidence of fitness for work.

# How does Fit for Work benefit you and your employees?

## Fit for Work provides:

- help to reduce your sickness absence costs by getting your employees back to work more quickly
- access to independent quality advice and a specialist occupational health assessment for your employees
- a free and rapid early intervention service that is easy to use with access in England, Wales and Scotland
- recommendations on adjustments required for your employees who are referred for an assessment
- support for you, your employee and their GP via the Return to Work Plan to help your employee return to work more quickly
- assistance in managing your employee's expectations about the impact of their condition on their fitness for work
- steps you can take to support employees to return to work
- support on how to prevent a period of sickness absence occurring/re-occurring

# What is the Government's tax exemption?

From 1st January 2015 the Government is introducing a tax exemption where employers fund the costs of medical treatments recommended by a healthcare professional as part of either Fit for Work or any employer-arranged occupational health service.

The medical treatment must be recommended, to help your employee return to work after a period of absence due to ill health or injury and either:

- a healthcare professional has assessed them as not fit for work or may be fit for work for at least 28 consecutive days, due to ill health or injury; or
- they have been absent from work for at least 28 consecutive days due to ill health or injury.

A healthcare professional is a registered medical practitioner, a registered nurse, or an occupational therapist, physiotherapist or psychologist registered with an appropriate regulatory body.

The tax exempt expenditure is limited to £500 per employee per tax year.

Under existing tax rules, the cost of any medical intervention funded or provided by an employer is likely to be liable to tax as either a benefit in kind or a payment of earnings. Employer and employee National Insurance contributions (NICs) may also be due. Some employers believe this creates a disincentive for them to fund employee medical treatments, as they feel it is appropriate to meet the costs of any further tax arising from the provision of a benefit in kind as well as any employer NICs that may be due. There are also concerns that the tax charge discourages employees from engaging with medical treatments funded by an employer.

Once the tax exemption comes into effect there will be no charge to income tax or NICs on payments up to the limit of £500 per employee per tax year, removing any potential fiscal disincentive for employees and employers to engage with medical treatments that would help to reduce sickness absence.

Any payments over the £500 limit remain liable to tax and NICs on the excess. For further information please see [www.gov.uk](http://www.gov.uk).

Note: The medical treatments must be recommended by a healthcare professional from Fit for Work or from a healthcare professional within your own occupational health service for the tax exemption to be applicable.

# How does Fit for Work affect current occupational health services?

Fit for Work will complement and not replace any existing occupational health services provided by employers.

If deemed appropriate by the Fit for Work case manager, the employer will be contacted by Fit for Work in order to incorporate any existing occupational health services into the formation of the Return to Work Plan and as a potential facilitator of recommendations within the Plan.

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# How does Fit for Work affect sickness absence policy?

It is not mandatory to refer employees to Fit for Work or progress the recommendations made by Fit for Work.

However, we recommend that it would be good practice for employers to update their sickness absence policy to reflect the availability of Fit for Work for all employers and eligible employees.

Employers are encouraged to develop clear and consistent policies for all staff, and to consult with staff about any proposed policy changes in advance. This will help to ensure employers and particularly line managers are equipped to handle Return to Work Plans appropriately.

It is also important to note that an employee's consent is required at all stages. Consent must be explicit, informed and freely given and should be obtained:

- before referral to Fit for Work by their GP or employer
  - before the initial assessment takes place
  - before each version of the Return to Work Plan is shared with the GP and employer
  - before Fit for Work contacts the GP or employer or any third party if this is necessary as part of the assessment
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# How do I access Fit for Work?

You can access Fit for Work advice and make a referral (when available) to an assessment using the following web links and telephone numbers below:

## England and Wales

- [www.fitforwork.org](http://www.fitforwork.org)
- 0800 032 6235
- Opening hours advice: Monday to Friday 8.30am to 6.00pm
- Opening hours assessment: Monday to Friday 8.30am to 6.00pm

## Welsh Language Line

- [www.fitforwork.org](http://www.fitforwork.org)
- 0800 032 6233
- Opening hours advice: Monday to Friday 8.30am to 6.00pm
- Opening hours assessment: Monday to Friday 8.30am to 6.00pm

## Scotland

- [www.fitforworkscotland.scot](http://www.fitforworkscotland.scot)
- 0800 019 2211
- Opening hours advice: Monday to Friday 9.00am to 5.00pm
- Opening hours assessment: Monday to Friday 9.00am to 8.00pm

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# Checklist for employers

- Update your sickness absence policies to reflect that a RtWP can be accepted as statement of fitness for work, removing the need for an employee to provide a fit note, unless they remain off work when they are discharged from Fit for Work
- Consider making a referral to an assessment if a GP has not already referred (once employer referrals go live)
- Consider how you can support recommendations in a Return to Work Plan

## For further information please access:

- Frequently Asked Questions for Employees (page 16)
- England and Wales: [www.fitforwork.org](http://www.fitforwork.org)
- Scotland: [www.fitforworkscotland.scot](http://www.fitforworkscotland.scot)

# Frequently asked questions for employees

## This section is split into the following categories:

- (a) Fit for Work Providers
- (b) Referrals and Eligibility
- (c) Consent and Data Protection
- (d) Employer Involvement
- (e) Return to Work Plans
- (f) Further Information

## Fit for Work Providers

### Who is providing Fit for Work?

In England and Wales, Fit for Work is being delivered by Health Management Limited. In Scotland, Fit for Work Scotland is being delivered by the Scottish Government via NHS Scotland.

### What qualifications will the supplier have?

Fit for Work is delivered by registered occupational healthcare professionals who have occupational health qualifications; have occupational health experience; or able to demonstrate experience and skills appropriate to working in an occupational health context. Their expertise will ensure that Fit for Work will identify the full range of issues preventing a return to work and provide appropriate advice in line with best practice.

Occupational health professionals delivering Fit for Work will be appropriately supervised and the service will be under the overall direction of an accredited specialist in Occupational Medicine.

Training will be provided to all occupational health professionals delivering Fit for Work.

### What is a case manager?

A case manager is a health professional who who has an occupational health qualification and/or experience. The case manager will be the employee's point of contact throughout Fit for Work. This is the same person who will contact you if they feel it is appropriate to involve a member of your organisation in the formation of the Return to Work Plan, and will be your contact for any discussions over recommendations contained within the Return to Work Plan.

### Will the provider pay travel expenses for an assessment?

Your employee will need to speak to their case manager at the time of booking or assessment for further details on how to claim.

## Referrals and Eligibility

### When might a referral for an assessment be necessary?

A referral may be necessary when an employee has reached four weeks absence and they have not been referred by their GP. A referral to Fit for Work may provide them, you and their GP support to help them back into work.

### Does self certification of sickness absence count towards four weeks sickness absence under Fit for Work?

Yes, self certification of sickness absence will count towards 4 weeks of sickness absence for the purposes of Fit for Work eligibility requirements.

### What are the eligibility requirements for an employer to make a referral?

Your employee must:

- still be employed
- have been absent from work for four weeks or more due to illness
- have a reasonable likelihood of making at least a phased return to work within three months

Your employees will not be eligible for referral to the assessment part of Fit for Work if they are:

- living outside England, Wales and Scotland
- not absent from work
- unemployed or self employed
- have previously been referred to the service within a 12 month period
- the employee's GP has already made a referral to Fit for Work

### When might a referral for an assessment not be necessary?

The following employees may not be suitable to be referred to Fit for Work but GPs will use their clinical judgement to make a decision:

- i) individuals who, in the GP's clinical judgement, do not have a realistic prospect of returning to work
- ii) terminally ill patients/employees, unless in the GP's clinical judgement a referral and return to work would be possible and beneficial to the patient
- iii) hospital in patients
- iv) patients in the acute phase of their medical condition

### Is it mandatory to refer to Fit for Work for GPs and / or employers?

In all cases making a referral is considered the default position. However Fit for Work is not mandatory. If you are unsure about making a referral please contact the advice line.

### Is it mandatory for employees to engage with Fit for Work?

In all cases making a referral is considered the default position. However Fit for Work is not mandatory as the employee will need to provide consent.

### Can someone be referred for an assessment earlier or later than four weeks?

GPs **only** are able to refer earlier or later than four weeks if:

- it is obvious an employee will be absent for four weeks and an earlier referral may help shorten sickness absence
- a referral may not be appropriate at four weeks, but could be suitable at six weeks (e.g. recovery after hip replacement surgery)

The GP will exercise professional judgement about the clinical appropriateness of referral. Employers are only able to refer after a sickness absence period of four weeks. Employers can also make referrals later than four weeks

### What if an individual is self-employed, unemployed, experiencing long-term sickness absence or is experiencing short spells of sickness absence?

These groups cannot be referred for an assessment but are able to access advice.

### What happens if an employee's situation changes during the referral process e.g. the employee develops a further health condition - is made redundant etc.?

On going clinical responsibility for the employee will remain with the GP. If there is a change in relation to any other factor Fit for Work may revise the Return to Work Plan to take account of new information and will consider whether discharge from the service is appropriate if no further support is available.

### Will Fit for Work account for specialist conditions?

Fit for Work uses a bio psychosocial holistic approach to assessments, which takes into account the full range of work, health, home and any other issues that are preventing a return to work. This applies to all health conditions. In addition the assessment service will have access to professionals with appropriate competencies in musculoskeletal and mental health conditions. They can identify the full range of obstacles preventing a return to work, and provide appropriate advice.

### Can an employee be referred to Fit for Work for a long term or fluctuating condition e.g. cancer?

Yes they can be referred for a long term fluctuating condition if they meet the eligibility criteria.

### Can a Return to Work Plan be updated by the case worker during the three month period?

Yes. A case manager can arrange for a further assessment and provide a revised Return to Work Plan if in their clinical judgement they deem this appropriate.

### How often can a referral be made to Fit for Work?

The advice line can be accessed via web or telephone as many times as required. There is no limit to the number of eligible individuals that can be referred, but an employee can only be referred for one assessment in a 12 month period.

## Consent and Data Protection

### What happens if an employee does not provide consent to a referral, an assessment or to sharing the Return to Work Plan?

A referral to Fit for Work will not be made, an assessment will not be conducted and a Return to Work Plan will not be shared with you, your employee and their GP.

Consent must be explicit, informed and freely given and should be obtained at each point in the process:

- before referral to Fit for Work by the GP or employer is made
- before the initial assessment takes place
- before each version of the Return to Work Plan is shared with the GP and employer
- before Fit for Work contacts the GP or employer or any third party if this is necessary as part of the assessment

We believe the potential benefits will mean all parties will want to engage with Fit for Work, and will actively manage sickness absence by following the advice in the Return to Work Plan.

### How are you protecting data?

DWP, the Scottish Government, and the providers of Fit for Work are joint Data Controllers for the purposes of the Data Protection Act 1998, in relation to personal data which is processed by DWP, Scottish Government and providers for the purposes of Fit for Work.

In practice, Health Management Limited has the primary responsibility for day-to-day DPA compliance in relation to personal information processed by Fit for Work.

Health Management Limited have also put into effect and will maintain security measures and safeguards appropriate to the nature and use of the information throughout its supply chain.

## Employer Involvement

### How are employers involved?

Employers are involved in:

- Being contacted by Fit for Work as part of the assessment if the employee consents and information is required to develop the Return to Work Plan
- Taking into consideration recommendations provided on a Return to Work Plan
- Making referrals to Fit for Work (when available)
- Using a Return to Work Plan as statement of fitness for work

### Do employers need to contact their employee's GP when making a referral?

No. It may be helpful to ask an employee if they have been referred to Fit for Work by their GP but there is no need to contact the GP directly. If Fit for Work receives duplicate referrals, the cases will be combined.

### Can employers refer their employees to the assessment service even if they are approaching State Pension age?

Yes, where the employee fulfils the necessary criteria they may be referred to Fit for Work regardless of age.

### What if an employer does not act on the recommendations?

Decisions on whether to progress interventions recommended in a Return to Work Plan following an assessment lies with the employer, employee and GP, depending on the nature of the recommendation. It is not mandatory to progress the interventions recommended by Fit for Work, unless this is required to meet employers obligations under the Equality Act 2010.

Employers will continue to have responsibility for managing absences so hence decide if the interventions/ adjustments are reasonable and affordable.

However, we would encourage all parties to actively manage sickness absence and to act on the recommendations of Fit for Work as there are benefits to employers, employees and GPs.

We also hope that the Government's tax exemption will encourage employers to fund any medical interventions that may be recommended by a Return to Work Plan.

Also, where employees meet the criteria for **Access to Work**, they can apply for support from the programme, such as specialist aids and equipment or support workers. For further information see GOV.UK - Access to Work.

### How does Fit for Work complement employer provided Occupational Health Services?

Fit for Work is intended to complement, and not replace, existing occupational health provision. Whilst Fit for Work will deliver some aspects of an occupational health service it will not deliver a fully comprehensive service. Fit for Work will fill the gap in support where that currently exists, especially for smaller employers, only one in ten of whom provide occupational health services to employees (compared to one in eight large employers)<sup>2</sup>.

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<sup>2</sup> Young, V. and Bhaumik, C. (2011) Health and well-being at work: a survey of employers. DWP Research Report No 750. (Figure 3.1)

The following differences apply:

	<b>Employer Occupational Health</b>	<b>Fit for Work</b>
Referral Routes	Employer and individual	GP and employer
Services	Employer driven and agreed	Sickness absence assessment
Point of Involvement	Employer driven and agreed	At four weeks
Frequency of Contact	Employer driven and agreed	Contact when required by your case manager
Workplace Knowledge	Good	Based on employee and employer information
Duration of Involvement	Employer driven and agreed	Three months compulsory discharge
Quantity of Involvement	Employer driven and agreed	One referral in a 12 month period

When deemed appropriate by a case manager and the employee’s consent is given, employer occupational health services will be consulted during the formation of the Return to Work Plan and when discussing the recommendations within the finalised Plan.

**What will happen if the employee is found to be unable to return to work regardless of any intervention?**

The employer will retain responsibility for managing the absence. As is now it will be up to the employer to decide what action should be taken if an employee fails to engage with Fit for Work, or if they do not return to work when indicated on the Return to Work Plan.

Fit for Work will not make recommendations on this or any contractual matters.

**Can employers still request fit notes?**

Where an employee has chosen to share their Return to Work Plan with you, the Plan should provide the information you legally need to determine fitness for work for Statutory Sick Pay purposes. You should refrain from requesting fit notes in those circumstances, in order to prevent unnecessary consultations in GP practices.

An employee will need a fit note to cover the period between a referral being made and a Return to Work Plan being issued. A two week fit note would be sufficient to cover this period in most cases but there may be cases where a fit note is required for a longer period.

**Once a Return to Work Plan has been issued this can be used in place of a fit note. GPs are not obliged to issue a fit note in these circumstances**

However, where an employee does not consent to their Return to Work Plan being shared with you, or you do not accept a Return to Work Plan as sufficient evidence of a person’s incapacity to work an employee may request a fit note from their GP. GPs should use their professional judgement to decide whether a fit note is required.

### How does Fit for Work affect Statutory Sick Pay (SSP)?

Legislation allows a Return to Work Plan to be accepted by employers in place of a fit note as medical evidence of whether an employee is fit for work for Statutory Sick Pay purposes. An employee should not need a fit note in addition to a Return to Work Plan where they have chosen to share their Return to Work Plan with their employer, although this may not happen in every case.

Fit for Work is not mandatory and a Return to Work Plan may not be prepared in every case and therefore a fit note can still be issued if it is required in the GPs clinical judgement.

### How do employers claim tax exemptions?

The tax exemption will come into effect from 1st January 2015. The exemption will not need to be claimed from HMRC but will be applied by the employer at the time they provide the benefit. For further information please visit the HMRC website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk).

### Are tax exemptions available to Government bodies?

Yes - tax exemptions are available to Government bodies.

## Return to Work Plans

### What is a Return to Work Plan?

This is a plan devised by an occupational health professional in agreement with your employee following a Fit for Work assessment. The plan will include steps and / or actions that can be taken by you, your employee and their GP to help support a return to work as quickly as possible.

Legislation allows you to accept a Return to Work Plan as sufficient medical information for the purposes of determining entitlement to Statutory Sick Pay. Return to Work Plans may therefore be accepted in place of a fit note.

### What happens if the Return to Work Plan does not provide evidence for sickness absence?

The Return to Work Plan will indicate if your employee is not fit for work or may be fit for work subject to you as an employer being able to meet recommendations. In some cases Fit for Work may identify an employee fit for work with no requirement for further absence. If there is no indication of further periods of absence, your employee has been judged to be fit for work by the service.

In the absence of a fit note, employers may accept other medical evidence relating to fitness for work, as may be sufficient in the circumstances of a particular case. A fit note can still be requested or provided.

Where you accept a Return to Work Plan as sufficient evidence, you should refrain from requesting fit notes in order to prevent unnecessary consultations with GPs.

### Is it mandatory to follow recommendations in a Return to Work Plan?

It is not mandatory to progress the interventions recommended by Fit for Work. Decisions for progressing interventions rest with the employer, employee and GP depending on the nature of the recommendation. However, we would encourage all parties to act on the recommendations of Fit for Work.

### I've been sent a Return to Work Plan but the law says I need a fit note to pay SSP.

#### Do I need both?

It is important for employers to remember that legislation allows the Return to Work Plan to be accepted in exactly the same way as you would accept a GP's fit note. You can therefore request that your employee provides you with a Return to Work Plan as evidence of a Statement of Fitness for Work. As with the fit note, your employee can still choose to provide alternative evidence if that evidence contains sufficient medical information for you to determine their entitlement to SSP.

## Futher information

### How does Fit for Work collect feedback?

Follow up will form part of Fit for Work where short contact will be made with employees, employers and GPs to provide feedback which takes place following completion of the Fit for Work process. This will take the form of a questionnaire conducted via email or telephone. This will help support continuous improvement and evaluation of the assessment service.

### How will Fit for Work deal with dispute issues at work?

Disputes at work may be considered as a complex case. This will be dealt with on an individual basis taking all circumstances into account. Support will be provided through progressing the difficulty together with the employee with appropriate signposting to appropriate agencies e.g. mediation.

### What other sources of help are there for people with health conditions to return to or look for work?

For free impartial information and advice on all aspects of workplace relations and employment law, contact Acas at [www.acas.org.uk](http://www.acas.org.uk) or on 0300 123 1100.

#### Careers Advice

England: [www.nationalcareersservice.direct.gov.uk/advice/Pages/default.aspx](http://www.nationalcareersservice.direct.gov.uk/advice/Pages/default.aspx)

Scotland: [www.skillsdevelopmentscotland.co.uk](http://www.skillsdevelopmentscotland.co.uk)

Wales: [www.careerswales.com](http://www.careerswales.com)

#### Access to Work

[www.gov.uk/access-to-work/overview](http://www.gov.uk/access-to-work/overview)

#### Universal Jobmatch

[www.gov.uk/jobsearch](http://www.gov.uk/jobsearch)

## Where can I find more information about sickness absence?

Information about managing sickness absence is available from a number of sources including the Advisory, Conciliation and Arbitration Service (ACAS), paid-for occupational health services, in Scotland 'Working Health Services', in Wales 'Healthy Working Wales' and more generally, at the Government website, Gov.UK which also includes advice on job search through Universal Jobmatch.

Employers can also use the Fit for Work advice line and website:

**England and Wales:**

[www.fitforwork.org](http://www.fitforwork.org)

0800 032 6235

**Welsh Language Line:**

[www.fitforwork.org](http://www.fitforwork.org)

0800 032 6233

**Scotland:**

[www.fitforworkscotland.scot](http://www.fitforworkscotland.scot)

0800 019 2211

## How do I provide feedback or make a complaint?

You can make a complaint by calling:

**England and Wales:**

0800 032 6235

Opening hours: Monday to Friday 8.30am to 6.00pm

**Welsh Language Line:**

0800 032 6233

Opening hours: Monday to Friday 8.30am to 6.00pm

**Scotland:**

0800 019 2211

Opening hours: Monday to Friday 9.00am to 5.00pm

## What are the opening hours for Fit for Work?

**England and Wales:**

Opening hours advice: Monday to Friday 8.30am to 6.00pm

Opening hours assessment: Monday to Friday 8.30am to 6.00pm

**Welsh Language Line:**

Opening hours advice: Monday to Friday 8.30am to 6.00pm

Opening hours assessment: Monday to Friday 8.30am to 6.00pm

**Scotland:**

Opening hours advice: Monday to Friday 9.00am to 5.00pm

Opening hours assessment: Monday to Friday 9.00am to 8.00pm



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for Work &  
Pensions