



TEMPORARY CHANGES TO FIT NOTES

1. This guidance provides an update to the temporary changes being made to the issue of Fit Notes for Statutory Sick Pay (SSP).

Introduction

2. The Department of Work and Pensions are making legislative changes meaning that for SSP, where employees go off sick on or after 10 December 2021, proof of sickness cannot be requested earlier than 28 days.

3. This change to Fit Note timescales implements a temporary change to the NHS Once for Scotland Attendance Policy, Absence Certification, Section 1.5.3.2 whereby the medical certificate (Fit Notes) will be required to be provided by GPs for periods of absence that are longer than 28 days instead of more than 7 days.

4. Where an employee reports sick on or after 10 December 2021, up to and including 26 January 2022, employers cannot ask them for proof of sickness (i.e. a fit note) until they have been off for 28 days or more. Employers can however continue to ask for the reason for absence, expected date of return and any support required.

5. Where the employee is absent after 10 December 2021 and the absence lasts for less than 28 days, when they return to work, their employer can then ask them to confirm they've been off sick. This is called "self-certification". The employer and employee will agree on how the employee should do this.

6. NHS Boards should continue to use the Once for Scotland Attendance Policy their Absence Reporting procedures, including contact by telephone, understanding of reason for absence and putting in place regular communication throughout the 28-day period.

7. Occupational Health Services (OHS) including physiotherapy and counselling are not impacted by this change as such and it is possible to make appropriate referrals prior to 28 day sickness absence if they are about the employees' health. Any management concerns should be discussed with Human Resources in the first instance in order to ensure that staff and managers have the most appropriate and timely support.

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30 December 2021

Addresses

For action:

Chief Executives, Directors of Human Resources and Directors of Finance, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)

For information:

Members, Scottish Partnership Forum, Scottish Terms and Conditions Committee and Scottish Workforce and Governance Group

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8. NHS Boards must also ensure that Return to Work procedures are strictly followed to establish that any required additional support is quickly identified and that the necessary recording on systems of absence are updated.
9. This time limited change is temporary only and will end on 26 January 2022.
10. Corresponding Questions and Answers can be found within the Annex of this DL.

Action

11. NHS Boards and Special Health Boards should make managers and staff aware of this temporary change.

Yours sincerely

A handwritten signature in cursive script that reads "Victoria Bowman". The signature is written in a light grey or blue ink and is positioned above the printed name and title.

Victoria Bowman
Deputy Director
Health Workforce Pay, Practice and Engagement Division

ANNEX - QUESTION AND ANSWERS REGARDING REVISED TEMPORARY FIT NOTE GUIDANCE

Question: I have been off on long term sick since 15th September, do I need to provide fit notes during this period of exemption?

Answer: Yes, you should be continuing to see your GP for support during your period of absence.

Question – I have been off sick from 5th December until the 15th December, do I need to provide a fit note?

Answer – Yes, as this period of absence is not fully covered by the period of exemption.

Question: Do I need to keep in touch with my manager during the period of exemption?

Answer: Yes, it is important that you do keep in regular contact to ensure that your manager can provide any support that you may require or to ensure that they can arrange any further support that you may require. It is also important to ensure that they can plan their staffing.

Question: I went off sick on 15th January, and I am returning to work on the 30th January, do I need to provide a fit note?

Answer: You can self-certify for up to 28 days for any period that begins up to and including 26th January. After this period normal provisions apply.

Question: A member of my team has been off for 29 days, can I ask for a fit note?

Answer: Yes, once someone has been off for 28 days or more, you can ask for a fit note.

Question: How does someone record their self-certificate?

Answer: They should follow the same process for a 7 day self certificate and amend the dates to reflect the correct length of absence. Information on the full procedure can be found in the NHS Once for Scotland Attendance Policy. See Sickness absence certification and recording in: <https://workforce.nhs.scot/supporting-documents/guides/attendance-policy-guide-for-employees/>

Question: Do I need to complete a return to work interview when someone returns to work?

Answer: It is essential that a return to work interview is completed for staff who have been off during this period to ensure that you, as their manager are clear of their reasons for absence and to have a meaningful conversation on how you can continue to provide the support your staff member may require.

Question: Am I still able to access OHS services if I am on long term sick covered by a fit note?

Answer: Yes staff should not have any changes to their current support or plans. Managers will still have the same access to information and support for their members of staff and on-going care.

Question: Am I able to access OHS if I am not covered by a fit note until after the 28 days?

Answer: Yes staff and managers have the same access to information and support from OHS services during this initial 28 days.