

- 1. What is “Fit for Work”?** It is a Government-funded initiative providing work-related health advice for employers, employees and GPs. It provides free health and work advice through a website and telephone helpline to help with absence prevention, but it also offers a free referral for an occupational health assessment for employees who have reached, or whose GP expects them to reach, 4 weeks of sickness absence. This part of the service is designed to help employees return to work sooner. The helpline is already up and running and the referral service is currently being rolled out in England, Wales and Scotland.
- 2. How are employees referred to Fit for Work?** The majority of referrals for occupational health assessments will be made by GPs, but employers can also refer employees in certain circumstances, namely if the employee: (i) has given consent to the referral; (ii) is still employed; (iii) has been absent from work for 4 weeks or more due to sickness and has a reasonable likelihood of making a phased return to work; and (iv) has not already been referred for an assessment within the last 12 months and received a Return to Work Plan.
- 3. What happens after an employee is referred for an assessment?** See flowchart overleaf for an overview of the process that will be followed.
- 4. What is a Return to Work Plan?** This is the plan that will be put together by the employee’s Case Manager (an occupational health professional) following a Fit for Work assessment. The Plan will include steps and/or actions that can be taken to help support a return to work as soon as possible. It will also set out a timeframe within which the recommendations should take place. Employers can accept Return to Work Plans as sufficient evidence of sickness for Statutory Sick Pay purposes in place of a Fit Note.
- 5. Must employers comply with any recommendations set out in a Return to Work Plan?** No. Employers will not be forced to comply with any recommendations contained in a Return to Work Plan – the decision whether to implement any of the recommendations will rest with the employer. The Government is, however, encouraging “all parties to act on the recommendations of Fit for Work” and employers should not reject any recommendations without having good reasons for doing so. Employers should not forget their obligations under the Equality Act 2010 in respect of disabled employees, in particular the duty to make reasonable adjustments. Any recommendations contained in a Return to Work Plan may be considered reasonable adjustments by a Tribunal, so serious consideration should be given to them, whether or not the employee is believed to be disabled.
- 6. Must employees agree to any referral for an assessment?** No. An employee should not be referred to Fit for Work either by a GP or their employer without their express consent. In fact, the employee’s consent must be sought at each stage of the process, i.e. before the initial assessment takes place, before the Return to Work Plan is shared with the employee’s GP or employer and before the Fit for Work Case Manager contacts the GP or employer as part of the assessment process. If an employee refuses to engage with the process there are no immediate sanctions for doing so, although it may be something that a Tribunal will take into account if they ultimately end up being dismissed. The employer may also choose to withhold sick pay (other than SSP) in those circumstances.
- 7. How often can a referral be made to Fit for Work?** The advice line can be accessed via the web or telephone as many times as required. Employees can only be referred for one assessment in a 12-month period.
- 8. How does Fit for Work sit with an employer’s existing occupational health services?** Fit for Work will not replace any existing occupational health service operated by employers. It is designed to complement any existing services. A Fit for Work Case Manager may, however, contact an employer’s existing occupational health advisers when preparing any Return to Work Plan as part of an assessment.
- 9. Tax incentives for employers:** In January 2015 the Government introduced a tax exemption of up to £500 (per tax year, per employee) on medical treatments recommended to help employees return to work. This includes any treatments recommended as part of Fit for Work or any employer occupational health service. In order to qualify for this exemption, the employee must have been absent from work for at least 28 consecutive days due to ill health or injury or have been assessed by a healthcare professional as not fit for work (or may not be) for at least 28 consecutive days.
- 10. Do employers need to take any action?** Employers should consider updating their sickness absence policies and procedures to reflect the availability of Fit for Work and to state that employees should cooperate with any referral to Fit for Work, either by their GP or employer. They may want to state that any refusal to cooperate may result in the employer withholding company sick pay. Employers should also ensure their managers and internal Occupational Health advisers are aware of the new service and what interactions they may need to have with it and how any recommendations in a Return to Work Plan will be handled.

Overview: Fit for Work Referral and Assessment Process

