The Fit for Work Service – what you need to know

Fit for Work is a free service funded by the Government, which aims to help employees stay in work when they are ill and to return to work more quickly when they have been off sick for four weeks or more. It mainly targets small and medium sized enterprises and sits alongside employers’ existing occupational health (OH) services. This factsheet looks at how the service works and what action you need to take.

Background
In February 2011, Dame Carol Black and David Frost CBE were appointed to undertake a review of sickness absence. The review was aimed at identifying ways of minimising loss of work due to ill health and finding ways of reducing the associated burdens and costs on individuals, employers and the taxpayer.

Their report, “Health at work – an independent review of sickness absence”, was published in November 2011. It made a number of recommendations to improve sickness absence and reduce associated costs, including establishing a new Independent Assessment Service which, after an employee had been absent for four weeks, could provide expert advice on whether and, if so, how the employee could be supported in a return to work. This recommendation was accepted by the Government, which announced that it was going to establish a new Health and Work Service. This was renamed Fit for Work in October 2014, to describe its purpose more accurately, and was launched in December 2014.

The service is delivered in England and Wales by Health Management Ltd and in Scotland by the Scottish Government via NHS Scotland.

Summary
Fit for Work is a free service, funded by the Government, which helps employees to stay in or return to work. It includes two elements: advice and referral.

Employees will normally be referred by their GP but an employer is able to make a referral after four weeks of absence. Employees can refuse to consent to a referral. The OH assessment will usually be done over the telephone and will result in a plan to get the employee back to work. The employee has to agree to the plan being shared with their employer and GP. The employer does not have to accept the plan or implement any of its recommendations.

The service is intended to work alongside and not replace existing OH services.

Advice service
This provides free health and work advice through a website and a telephone line. It can be accessed here: www.fitforwork.org. The helpline number for England and Wales is 0800 032 6235 and it is open from 8.30am to 6pm Monday to Friday.

In Scotland, the website is www.fitforworkscotland.scot. The telephone number is 0800 019 2211 and the advice line is open from 9am to 5pm Monday to Friday.
Referral service

Employees can be referred by their GP or their employer. The referral service provides a free referral for an OH assessment for employees who have reached, or whose GP expects them to reach, four weeks of sickness absence. The service helps employees return to work sooner. Employees will normally be referred by their GP.

Employers are also able to make a referral after four weeks of absence. It is not mandatory for employers to refer employees to Fit for Work. In order for an employer to make a referral, 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 within three months. An employee will not be eligible if: they live outside England, Wales and Scotland; they are not absent from work; they have been referred to the service within the last 12 months and received a return to work plan as a result; their GP has already referred them; or they do not consent to the referral.

Employees will be referred with their consent for an OH assessment, which will be done by an OH professional and will usually take place over the telephone.

Employees will be contacted within two working days of a referral by their GP or employer. If a face to face assessment is deemed necessary, this will take place within five working days of the decision being made.

The assessment will result in a return to work plan, which will include advice and recommendations for the employer, the employee and their GP to help support a return to work. The assessment will try to identify all potential obstacles preventing the employee from returning to work, including health, work and personal factors, and will involve agreeing a plan designed to address each obstacle and enable a safe and sustained return to work. The plan will be shared with the employee and, with their consent, with their employer and GP. If appropriate, the OH professional may contact the employer to discuss factors that might help to develop the return to work plan. Any existing OH service will be incorporated into the plan and will be used to facilitate recommendations within the plan.

The OH professional will contact the employee to check that the plan is on course and will also contact the employee shortly after the expected return to work date. A further assessment may be necessary and the plan may be revised. Fit for Work involvement will last for three months.

Employers can accept a return to work plan as evidence of sickness absence in the same way as a fit note issued by a GP and will not need to ask employees for further fit notes as well. It is not mandatory for employers to implement the recommendations highlighted in the return to work plan, unless this is required to meet the employer’s obligations to make reasonable adjustments under the Equality Act.

It is not mandatory for employees to engage with Fit for Work and they will need to provide consent for a referral before an assessment takes place, when Fit for Work wishes to contact their GP or employer and before a return to work plan is shared.

Tax exemption for medical treatment

A tax exemption is available for employees of up to £500 per tax year where their employer pays for medical treatment to help them return to work. The treatment must have been recommended by a healthcare professional as part of Fit for Work or the employer’s OH service and must be intended to help the employee return to work after a period of absence due to ill health or injury.

Guidance

The DWP has published guidance for employers on using Fit for Work to help their employees stay in or return to work. The guidance can be accessed here: https://www.gov.uk/government/publications/fit-for-work-guidance-for-employers. Separate guidance has been produced for GPs and for employees.

Checklist for employers

You should consider taking the following actions:

- update your sickness absence policy to reflect the availability of Fit for Work;
- train managers on the new service so that they are ready to handle referrals and return to work plans;
- liaise with any existing OH provider; and
- ensure that a reminder is triggered when an employee has been off sick for four weeks so that you can consider referring them for an assessment if their GP has not already done so.

For further information please contact us at employmentupdate@bonddickinson.com