

Circular STS 01/22 – Guidance on the Temporary Changes to Fit Notes

This circular provides advice and guidance for the college sector on the temporary changes being made to the issue of Fit Notes for Statutory Sick Pay (SSP).

Introduction

1. 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.
2. This change to Fit Note timescales implements a temporary change to colleges normal reporting processes for sickness absence and means the medical certificate (Fit Notes) will be required to be provided by GPs for periods of absence which are longer than 28 days instead of more than seven days.
3. The result of this change means that when 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.
4. 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 have been off sick. This is called “self-certification”.
5. Colleges should use their normal reporting processes for absences, understanding the reason for absence and putting in place regular communication and support throughout the 28-day period.
6. Occupational Health Services and Employee Assistance Programmes which colleges provide are not impacted by this change as such and it will remain possible for appropriate referrals to be made prior to the 28 day sickness absence where they concern the employees’ health.
7. Colleges will also be able to continue their normal Return to Work procedures to ensure any additional support required is quickly identified and recording on systems of absence are updated.
8. This time limited change is temporary only and will end on 26 January 2022 when it is expected the fit note regime will be revert to seven days. If an extension is granted, this circular will continue to be in place until such time as the temporary arrangements cease.
9. Questions and Answers can be found within the Circular as Annex 1 which may be helpful to college management and colleagues.

Clarification

If any clarification is sought this should be directed to the joint secretaries, Zelda Franklin-Hills (employment.services@collegesscotland.ac.uk) or John Gallacher (john.gallacher@unison.co.uk). A joint response will be provided to all points of clarification.

18 January 2022

Question and Answers Regarding Revised Temporary Fit Note Guidance

Question: I have been off on long term sick since 15 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 5 December until the 15 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 15 January, and I am returning to work on the 30 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 26 January 2022. 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 seven day self-certificate and amend the dates to reflect the correct length of absence.

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 Occupational Health or other services such as an Employee Assistance Programmes 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 Occupational Health or other services such as an Employee Assistance Programmes 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.