

NEW FIT NOTE PROCEDURE FROM 6 APRIL 2010

The current sick note process has now changed and from 6 April 2010 a new Fit Note has been introduced.

From now on a GP will either state that you are not fit for work or they will say you can work, but with changes made to your duty or reduced hours etc

Please note that Royal Mail Group will be bringing out advice. The following must be used in conjunction with CWU HQ advice and that of the TUC (attachment on this web site).

The following is general guidance. Please always seek detailed advice where necessary from your union.

If I come back on reduced hours do I still get full pay?

Yes. Royal Mail Group operates an agreed rehabilitation process with the CWU that guarantees this

What if I don't agree the changes suggested by my GP?

You should ask for a second opinion and/or speak to your CWU rep and/or speak to your manager.

It is in no one's interest to force someone back when they do not feel ready.

You could ask to be referred to Atos Origin (Royal Mail Group's occupational health advisors) as they may be able to assist in setting out a different rehab programme. Your manager cannot unreasonably refuse your request to see Atos Origin.

Sometimes changes suggested by the GP maybe because they do not fully understand the type of work you do. Make sure you explain your job role carefully.

What if my manager does not agree with my GP on adjusted duties?

Seek the help of your rep and/or ask to be referred to Atos Origin as they may be able to assist.

Sometimes a manager will be reluctant to sit down and work out how the changes can be made. It is important that they do this though and involving your CWU can help this process. Hopefully most managers will want to help out.

If despite everyone's best efforts the adjustments can't be made then you will be classed as sick and will need to go back to your GP.

Depending on the circumstances you might want to raise a grievance. The Branch can help you with this.

What if the GP recommendations are vague?

Some GPs may put down vague suggestions that are open to interpretation. It is vital therefore that you explain your job role to your GP. If you can't agree with your manager what the adjustments could be because they are vague, either go back to your GP and/or ask to be referred to Atos Origin and/or seek the assistance of your CWU rep.

Your manager should want to help in this process as much as they can.

What if I resume work and can't carry on / injure myself again / my condition gets worse?

You will need to see your GP to get an amended sick note which will either say you can't work or will suggest other changes.

You should discuss with your manager and look to seek the involvement of Atos Origin as well.

It is important to keep a regular dialogue going with your manager and local rep.

What if my GP says I am not fit for work, but I think I am ok to do something?

Talk to your GP and explain your role at work. You will probably be in a better position to suggest possible changes than your GP will.

If you and your GP cannot agree, you can ask to be referred to Atos Origin via your manager as they may be able to assist.

What if I have an underlying health condition that may come within the terms of the Disability Discrimination Act (DDA)?

An additional legal duty is placed on your manager to sort out reasonable adjustments, e.g. this could include either altered duties or the non triggering of attendance procedure warnings etc.

Your GP may not fully understand the criteria for the DDA, but generally speaking if you have a condition that is likely to last for 12 months or more, or it has already lasted for 12 months AND it has a substantial effect (i.e. more than trivial) on your day to day life, you may come within the terms of the DDA.

You are advised to talk to the CWU and/or seek a referral to Atos Origin as appropriate.

In the final analysis, the Branch can seek a report from your GP to support any claim that you are within the terms of the DDA.

This area is a complex one and so taking advice is important as no one case is generally the same.

Are there any appeal processes?

Yes. You do have an appeal against an offer of rehabilitation duties that you do not agree with.

Such cases are rare and we would ask you to seek advice from the CWU on this point.

Can my pay be stopped if I disagree with any advice and /or my GP disagrees with my manager and / or Atos Origin?

Again, this is a complicated area. However, whilst some managers will automatically state that an opinion from Atos Origin will trump that of a GP, things are not as straightforward as that.

Hopefully the new Fit Note will resolve any such cases, however if you run into difficulties then you must contact the Union for help.

Royal Mail Group have their own procedures to follow and in some cases stopping pay could be an unlawful deduction of wages. The Branch will look to assist members who believe their pay has been stopped unlawfully, if necessary via an Employment Tribunal application.