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3HR Legal Weekly

HR

The Fit For Work Scheme launches for Employers

The 7th of September 2015 saw the introduction of the Fit For Work Scheme. The introduction of the new scheme is part of the Government's agenda to encourage more people to return to work earlier and for less people to be on sick leave.

The reformation started when the Government took steps to abolish The Percentage Threshold Scheme (PTS), which allows employers to reclaim Statutory Sick Pay (SSP) in some circumstances. Under the PTS, employers could recover SSP costs for their employees sickness if the total SSP paid in a tax month was more than 13% of their gross Employers' (Class 1) National Insurance contributions in the same month. On the 6th of April 2014, The Percentage Threshold Scheme was scrapped which means employers are no longer able to recover money spent on SSP. The decision makers felt that by allowing employers to recover SSP, there really was no incentive for the employer to encourage their employees to return back to work quickly. The money saved by the Government has been diverted to the new Fit For Work Scheme. In addition, early this year the Government introduced a tax exemption of up to £500 (per year, per employee) on medical treatments recommended by health professionals within Fit For Work and healthcare professionals within employer arranged occupational health services, in order to help their employees return to work.

According to the Fit For Work website new research shows that 74% of employers and 63% of employees in England and Wales felt that with more external help, employees would be able to return back to work sooner. Further, it is estimated that only 31% of employees currently have access to occupational health services. According to more research, 51% of employers find it difficult to contact their employees when they are on sick leave and similarly 56% of employees said they would not want their employers to contact them when they are on sick leave. Contrary to the well known myth that employers are not allowed to contact an employee who is of sick, the guidance from Fit For Work does in fact suggest that employers should be contacting their employees at least once a week as long as the employer is not acting inappropriately and as long as medical advice doesn't suggest otherwise.

So what is Fit For Work ? The Fit For Work Scheme provides:

- **Free health and work advice through a website and telephone line** to help with absence prevention. This might involve providing information on the type of adjustments which could help employees stay in or return to work or more general work related advice.
- **Free referral for an occupational health assessment** for employees who have reached, or whose GPs expect them to reach, four weeks of sickness absence. Employees will normally be referred by their GP. However, employers can also make a referral after the employee's fourth week of absence. The aim of the assessment is to identify all potential obstacles preventing the employee from returning to work including health, work and personal factors. The assessment involves agreeing a Return to Work Plan designed to address each obstacle to enable a safe and sustained return to work.

Employees will be eligible for the new Scheme, if they live within England, Wales and Scotland and are still in employment. The employee must have been absent from work for four weeks or more or be expected to reach four weeks of absence and have a reasonable likelihood of making at least a phased return to work. Lastly, the employee must have provided consent to be referred. Employees however, will not be eligible if they have previously been referred to the service within a 12 month period and have received a Return to Work Plan as a result or where their GP has already referred them to Fit For Work.

According to the guidance, Fit For Work will benefit employers and employees by:

- Helping to reduce the cost of sickness absence by getting employees back to work more quickly.
- Providing Access to independent quality advice and a specialist occupational health assessment.
- Providing a free and rapid early intervention service that is easy to use with access in England, Wales and Scotland.
- Providing recommendations on adjustments required for employees who are referred for an assessment.
- Providing support for employers, their employees and their GP via a Return to Work Plan to help the employee to return to work more quickly.
- Assistance in managing the employee's expectations about the impact of their condition on their fitness for work.

If you would like more information about how the Fit For Work Scheme will affect you, including updating your existing sickness absence policy, please contact our Employment and HR team.

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