

Gateway reference: 12709
1 October 2009

GUIDANCE ON SICKNESS CERTIFICATION IN RESPONSE TO THE SWINE FLU PANDEMIC

Key Messages:

- At present, the level of activity relating to swine flu remains low, therefore, the Government has not yet made any changes to the normal provisions for sickness self certification or the arrangements for GP's to provide medical statements for patients who are ill for longer than seven calendar days.
- The situation is being kept under close review to enable action to be taken quickly, should it be necessary.
- The Government recognises the importance of reducing the pressures on front-line services during a pandemic. This was one of the primary objectives of the launch of the National Pandemic Flu Service in England in July 2009.
- Regulations state that doctors cannot issue medical certificates without having examined the patient on that day or the previous day. However, where a patient has previously been assessed as having swine flu, either by the National Pandemic Flu Service or their GP and has been advised to stay at home whilst ill, a GP may, at their discretion, issue a medical statement after a telephone consultation, once assured of the identity of the caller as a registered patient.
- Employers and employer organisations have been reminded of the need to reduce the burden on frontline health services during a pandemic and of the range of forms of evidence that they can use to satisfy themselves that an employee is unable to work due to sickness.

How long does swine flu last?

Current UK data shows that while swine flu remains a serious illness, the majority of people experience mild symptoms.

The best current estimate of the length of illness is that around half of people who become ill recover within about 7 calendar days. Approximately 25% may need up to 10 calendar days to recover. The remaining 25% will have symptoms for more than 10 calendar days. Anyone whose health is not improving by day 7 is strongly advised to seek further medical advice, at which point a medical statement may be issued if applicable.

Have any changes been made to the rules for sickness certification during swine flu?

So far, no changes have been made to the existing arrangements for medical certificates and self-certification. The situation is being kept under close review to enable action to be taken quickly should it be necessary.

During earlier preparations for a pandemic, consideration was given to legislative changes to extend the period of sickness self-certification. This would be part of a package of measures intended to help reduce the burden on GPs in the event of a substantial surge in activity.

At present, the level of activity relating to swine flu remains low. Normal arrangements for sickness certification therefore remain unchanged and GPs may be asked by patients to continue to provide medical certificates within existing Social Security legislation.

The situation is being kept under close review so that action can be taken in good time to implement other measures or to extend the period of sickness certification to relieve pressure on frontline health services.

Can the National Pandemic Flu Service provide medical statements?

No, the National Pandemic Flu Service cannot issue medical statements. The duty to provide a medical statement continues to rest with the doctor who has clinical responsibility for the patient at the time. A doctor can only issue a statement having examined the patient on that day or the previous day, unless there is a written report from another doctor.

Therefore, where a patient remains ill after 7 calendar days, they will still be required to contact their GP to obtain a medical statement.

Can a doctor issue a medical statement after speaking to the patient on the telephone?

The rules governing the issue of medical statement by doctors do not define what constitutes an examination. However, where a patient has previously been assessed as having swine flu, either by the National Pandemic Flu Service or their GP and has been to stay at home whilst ill, a GP may, at their discretion, issue a medical statement after a telephone consultation, once assured of the identity of the caller as a registered patient.

As with issuing any medical statement or certificate, the GP would need to be assured they are able to make an adequate assessment of the patient's fitness or non fitness for work. This would be in keeping with their clinical responsibility for the patient.

Which medical statement form should be issued?

Form Med 3 can either be issued on the date of examination or the day after the examination. You may wish to annotate the remarks box that the statement is issued following a telephone consultation.

Medical statements can be issued for an earlier period where a patient has not previously been examined, but it will be necessary to examine the patient. (This may be done in line with the guidance above.) Use a form Med 3 for an appropriate forward period in keeping with the clinical findings from the date of examination. The 'remarks' section on a medical statement allows for additional comments about the effects of the diagnosed condition, its treatment and prognosis. For example it can be used to state, 'Has been unfit since. *(date)*...'

Form Med 5 is used to provide backdated medical evidence and can be used where a doctor advises a patient to refrain from work on the basis of a written report from another doctor or where a doctor has not issued a statement since the patient was examined and he wishes to issue a statement more than a day

after the last examination.

When will legislative changes to the period of self-certification be considered?

At present, the level of activity relating to swine flu remains low and normal arrangements for sickness certification therefore remain unchanged.

Legislative change to the period of self-certification is a measure that will affect businesses across UK, who in the main meet the costs of sick pay to their employees. However, the situation is being kept under close review.

What advice is being given to employers?

Employers and employer organisations have been reminded of the need to reduce the burden on frontline health services during a pandemic and of the range of forms of evidence that they can use to satisfy themselves that an employee is ill and unable to work. Further details can be found at <http://www.dwp.gov.uk/healthcare-professional/news/>