



HR NEWSDESK

# Fit Notes

— What Every  
Employer Needs  
to Know

**ABSENCE MANAGEMENT**

# Introduction

When an employee is absent from work due to illness or injury, the fit note is one of the most important documents you will deal with as an employer. It provides medical evidence of the absence and, crucially, guidance on whether your employee may be able to return to work with the right support.

Despite being a routine part of managing sickness absence, fit notes are widely misunderstood. Many employers are unsure what a fit note actually means, who can issue one, what their obligations are when they receive one, and how to respond when the advice says an employee "may be fit for work."

This guide cuts through the confusion. It explains the fit note system in plain language, sets out your responsibilities as an employer, and gives you practical steps to follow every time.

## WHO IS THIS GUIDE FOR?

Business owners, managers, and anyone responsible for managing employee absence in small and medium-sized businesses. No HR background required — just clear, practical guidance you can act on immediately.

## What Is a Fit Note?

A fit note — formally called a Statement of Fitness for Work — is a document issued by a healthcare professional that provides evidence of an employee's illness or injury and advises on their ability to work.

Fit notes replaced the old "sick note" system in 2010. The key difference is that the modern fit note is not simply a certificate saying someone cannot work. Instead, it is designed to focus on what an employee can do, and what support might help them stay in or return to work.

## When Is a Fit Note Required?

An employee who is absent due to illness for seven consecutive calendar days or fewer can self-certify their absence. This means they do not need to provide a fit note — they simply confirm the reason for their absence when they return.

If the absence lasts more than seven consecutive calendar days, the employee must provide a fit note from a qualified healthcare professional. This is a legal requirement that supports both statutory sick pay eligibility and your absence management processes.

## KEY POINT

The seven-day period includes weekends and non-working days — it is calendar days, not working days. For example, if an employee calls in sick on Monday and is still unwell the following Wednesday, that is nine calendar days. They would need a fit note from day eight — the Tuesday.

## Who Can Issue a Fit Note?

Fit notes can be issued by any of the following registered healthcare professionals:

- Doctors (GPs and hospital doctors)
- Registered nurses
- Occupational therapists
- Pharmacists based in a GP surgery or hospital
- Physiotherapists

This expanded list was introduced to reduce pressure on GPs and make it easier for employees to obtain fit notes promptly. As an employer, you should accept a fit note from any of these professionals without question.

# The Two Fit Note Outcomes

Every fit note will state one of two things. Understanding the difference is essential, because each one requires a different response from you as an employer.

## 1. "Not Fit for Work"

This means the healthcare professional has assessed that the employee's condition prevents them from working for the period stated on the fit note. There is nothing further for you to action — the employee should not be working during this period.

Your role here is straightforward: record the absence, ensure sick pay arrangements are in place, and maintain appropriate contact with the employee through your keep-in-touch process.

## 2. "May Be Fit for Work"

This is where many employers get confused — and where the real value of the fit note system lies. A "may be fit for work" assessment does not mean the employee is fully recovered. It means the healthcare professional believes the employee could return to work if certain adjustments are made.

The fit note will typically recommend one or more of the following:

- A phased return to work (reduced hours building up gradually)
- Amended duties (lighter or different tasks)
- Workplace adaptations (changes to equipment, environment, or location)
- Altered working hours (different start/finish times)

### **IMPORTANT — YOUR OBLIGATION**

When you receive a "may be fit for work" note, you are expected to genuinely consider whether the recommended adjustments can be accommodated. You are not obligated to implement every suggestion, but you must give it proper consideration. Simply treating it as a "not fit" note without exploring the options is not good practice and could expose you to legal risk — particularly if the absence relates to a disability under the Equality Act 2010.

# What to Do When You Receive a "May Be Fit" Note

Receiving a "may be fit for work" note should trigger a conversation, not a decision made in isolation. Follow these steps:

1. Talk to your employee. Discuss the recommendations on the fit note and understand what they feel able to do. Their input is essential — they know their condition and their

role.

2. Assess the adjustments. Can you accommodate the changes suggested? Consider the role, the team, the workload, and any practical constraints. Be creative where possible — even small adjustments can make a return viable.

3. Make a decision. If you can support the adjustments, agree a plan with the employee and put it in writing. Be clear about what is changing, for how long, and when it will be reviewed.

4. If you cannot accommodate the adjustments, the employee remains on sick leave. The "may be fit" note effectively becomes a "not fit" note for pay and recording purposes. You do not need to ask the employee to get a new fit note.

5. Document everything. Keep a record of the fit note, the conversation you had, the decision you reached, and the reasons behind it. This protects both you and the employee.

## Fit Notes and the Equality Act 2010

If an employee's absence relates to a disability — which includes long-term physical or mental health conditions that have a substantial effect on their ability to carry out normal day-to-day activities — you have additional obligations under the Equality Act 2010.

In particular, you have a duty to make reasonable adjustments to remove or reduce disadvantages the employee faces. The fit note recommendations may overlap with this duty. Failing to consider or implement reasonable adjustments where a disability is involved could amount to discrimination.

Where disability-related absences are concerned, you may also need to consider whether those absences should be excluded from absence trigger calculations. Taking disciplinary action against an employee for absence levels driven by a disability is a common — and costly — mistake.

### **PRACTICAL TIP**

If you are unsure whether an employee's condition qualifies as a disability, or whether your proposed adjustments are sufficient, seek HR advice early. It is far better to ask the question before making a decision than to deal with a tribunal claim afterwards.

## Phased Returns — Getting It Right

A phased return is one of the most common recommendations on a "may be fit for work" note. It means the employee returns to work on reduced hours or duties, gradually building back up to their normal pattern over an agreed period.

When arranging a phased return, consider the following:

- How long will the phased period last? Two to four weeks is typical for short-term conditions.
- What hours will the employee work each day or week? Build this up gradually.
- How will pay be handled for hours not worked? Check your sick pay policy and contracts.
- Who will cover the remaining duties during the transition?
- When will you review progress and decide whether to extend, adjust, or end the phased return?

Put the phased return plan in writing and share it with the employee. Both parties should be clear on expectations, and there should be a review date to assess how things are going.

## Self-Certification — The First Seven Days

For absences of seven calendar days or fewer, employees self-certify. This simply means they confirm the reason for their absence — there is no medical evidence required.

Most employers manage self-certification through their return-to-work discussion. When the employee comes back, their manager records the dates and reason for absence. Some employers use a self-certification form; others capture it through their HR system.

Whichever method you use, ensure it is consistent. The information gathered at self-certification feeds into your wider absence records, helps you identify patterns, and supports any future conversations about attendance.

## Fit Note Dos and Don'ts

### DO

- Accept fit notes from any of the five qualifying healthcare professionals
- Have a conversation with your employee about "may be fit" recommendations
- Keep a copy of every fit note on the employee's file
- Consider reasonable adjustments genuinely and document your decision
- Ensure fit notes cover the entire period of absence beyond seven days
- Seek HR advice if the situation involves a disability or complex condition

### DON'T

- Question the legitimacy of a fit note or the employee's illness
- Ignore "may be fit" recommendations without proper consideration
- Pressure an employee to return before their fit note expires
- Share medical details from a fit note with anyone who does not need to know
- Assume a "may be fit" note means the employee must come back immediately
- Apply absence triggers to disability-related absence without taking advice

## Quick Reference Checklist

Use this checklist every time you receive a fit note to make sure nothing is missed:

- Record the fit note — dates, outcome, and healthcare professional details
- Check that fit notes cover the full absence period (no gaps after day 7)
- If "not fit for work" — record and maintain contact via your keep-in-touch process
- If "may be fit for work" — arrange a conversation with the employee within 48 hours
- Assess whether the recommended adjustments can be accommodated
- If adjustments are possible — agree a plan, put it in writing, set a review date
- If adjustments are not possible — record the reasoning and treat as "not fit"
- Consider Equality Act obligations if a disability may be involved
- File the fit note securely and update your absence records
- Brief the employee's line manager on any agreed adjustments

# Need Help Managing Absence?

Trident HR provides expert HR support for small and medium-sized businesses across the UK.

Whether you need a one-off piece of advice or ongoing HR support, we are here to help.

## Get in Touch

Web: [www.tridenthr.co.uk](http://www.tridenthr.co.uk)  
Email: [info@tridenthr.co.uk](mailto:info@tridenthr.co.uk)

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