

**To: The Chair of the Probation Board
The Chief Officer of the Probation Board
(Copy enclosed for the Head of Human Resources)
The Secretary of the Probation Board
Members of the NNC**

13th February 2006

NNC CIRCULAR NO.2/2006

Dear Sir/Madam

**AMENDMENT TO THE NNC SICKNESS MANAGEMENT POLICY
(CIRCULAR NO 5/2003) AND PRACTICE NOTE.**

The NPS Health & Safety Forum recently adopted the policy 'Occupational Health Support to Sickness Management (Doc. Ref: NPS HS/35). Some of the guidance/information given in this Arrangement will be subsumed into the revision of the NNC Sickness Management Policy (SMP) that is currently underway. There is, however, a discordance between the Arrangement and the Sickness Management Policy in respect of the interpretation of medical certificates. The NNC Joint Secretaries have agreed with the Health & Safety Forum that it would be appropriate to clarify this now. This point is applicable to all Areas regardless of whether they follow the national model.

In the section 'Returning to Work', the Sickness Management Policy currently states:-

“Should an individual wish to return to work before the date recommended on a medical certificate, they must obtain written confirmation of their fitness to do so from a qualified medical practitioner.”

Annex 4 of NPS/HS/35 qualifies this:-

“In considering return-to-work programmes it is important to recognise that, based on HSE advice, a medical certificate provided by a doctor (the 'FMED3' form) is simply:

- An advisory note to the patient that can be overruled by the patient if s/he wishes

It is not:

- An instruction to the employee not to attend work during the period specified; nor
- An instruction to the employer not to accept the individual back to work during that period.

It is to be noted that the NPS is 'self-insured' and there are no restrictions relating to early return to work. Accordingly, by mutual agreement between an employee and the Area (taking account of the need for any specific requirements), an employee can return to work when they feel sufficiently able.

The employer should facilitate that return, consulting with the OH Practitioner and making adjustments as necessary (thereby ensuring that they have done all that is reasonably practicable in respect of general employer responsibilities). There is no requirement for the employee to seek formal authorisation from their GP prior to returning to work.

Boards (as the employer) have a general duty to provide a safe and healthy place of work. Given that this is provided (as indeed it should always be) and due account is taken of any special requirements of the employee arising from their ill-health (particularly likely to be required as part of a formal 'Return to Work Programme') then there are no additional H&S requirements.

If the employee still does not feel fit enough to return to work at the end of a period stated in a Medical Certificate, they should seek an extension of that Certificate from their GP. Conversely, if an employee wishes to return to work early, but the OH practitioner advises the relevant line manager that this would not be appropriate (e.g. for reasons of possible cross-infection of other employees, or the employee is not considered to be sufficiently recovered from their ill-health, etc.) the line manager should not permit the individual to return to the work"

The NNC rescinds the current Sickness Management Policy wording and recommends Areas follow the advice in NPS/HS/35. This modification will be incorporated into a revised National Sickness Management Policy as soon as the review of that policy has been completed.

Yours faithfully

Martin Wargent
Judy McKnight

Joint Secretaries