

# FACTSHEET ON SICKNESS (AND OTHER) CERTIFICATION



There is often confusion about patients' entitlements to sick notes on the NHS despite the present system having been in place since 1984 and GPs are often pressured by patients to give a MED3 for short term certification as "the employer won't accept a self certificate". For clarity, therefore, here are the current rules as of January 2010 - we are hoping for modifications later in the year.



## SICKNESS ABSENCE OF LESS THAN TWO CONSECUTIVE DAYS

No sick note of any type required.

## SICKNESS ABSENCE OF 3-7 CONSECUTIVE DAYS

Self-certificate only (SC2 for employees, SC1 for unemployed or self-employed). The only circumstance in which you may have to issue a Med3 is if your patient is claiming incapacity benefit and has had short absences totalling 7 days or more in the previous 8 consecutive weeks.

## ABSENCE OVER 7 DAYS

1. If you have examined the patient on the day you write the certificate, or the day before, you may issue a form **Med3**. This can be up to 6 months in the first instance. After 6 months sickness you can issue a certificate for any appropriate period up to 'until further notice' or 'indefinitely'.
2. If you have not examined your patient but the illness is **swine flu** and they assure you that they have contacted the Swine Flu Helpline and you are in a position to judge that they are unfit for work, you may issue a **Med3** after a phone consultation.
3. Please note that **you must personally examine your patient** to fill in a Med3. This is inconsistent with modern practice and phone consultations but present regulations demand this except in circumstances above in paragraph 2. This requirement may be adequately met if you arrange that you will say hello to the patient when they come in to collect a sick note.
4. If you have not examined the patient you may issue a **Med5** if:
  - (a) you have yourself examined the patient in the previous month and are in a position to affirm that they still need to be off sick
  - (b) you have **written communication from another doctor** that the patient has had an illness which would have caused you to issue a Med3 had you seen them at the time. Please note this must be written (electronically is OK) and from a doctor. A nurse consulting at a hospital or out of hours will not do.
5. A Med5 must not be for more than a month from the date on which you write it unless it was you who previously personally examined the patient and you could have written the initial certificate for the longer period.

## PRIVATE SICK NOTES

Please note you are under no contractual obligation to issue these. However, when employers insist on a short term sick note, I suggest you offer our **Guidance Note on Short Term Certification** to the patient and advise the patient of the cost of a private note. The Family Doctor Association cannot advise on the level of payment required due to competition legislation. However, it is suggested that time is costed at a similar level to a partner in a country town solicitor's practice (c.£200/hour). An estimate is 5-6 minutes to fill in a private note.

## NOTES FOR SCHOOLS AND COLLEGES

A regular bone of contention. We have no responsibility for policing truancy and therefore no requirement to issue sick notes/off games notes etc. to schools. Some schools bombard practices with requests for these notes. It is suggested that you resist firmly or inform the school that these requests will incur a charge payable in advance. If they say they cannot identify a budget for paying, it is suggested that you should be unable to identify time to provide a free service.

## OCCUPATIONAL HEALTH REPORTS

Employers should be encouraged to arrange proper occupational health services for their employees and not look to GPs to provide these free of charge. Ensure you charge a proper rate for reports on a time-taken basis.

The office will always be happy to answer queries or clarify any points which members encounter in their daily medical practice. Contact 01706 620920 for help or visit [www.family-doctor.org.uk](http://www.family-doctor.org.uk)