

Health and work update for clients as at 4 July 2022

PROMOTING, PROTECTING AND SUPPORTING HEALTH IN WORK

1. Introduction.

In this month's brief I will provide information on changes to which health professions can provide a Fit Note, which came into effect on 1st July, and other health and work issues.

Later in this brief I will provide further suggested guidance for employers on COVID-19, which returned to media headlines last week¹. Although there are fewer people having tests on the ending of free tests in April, Office for National Statistics (ONS) regular reports are based on samples independent of people arranging testing themselves, and the latest report dated 1st July shows a true rise across the UK, and especially in Scotland².

2. Monkeypox.

Monkeypox has not featured in the media as much as it had earlier last month³. However, we are seeing more cases in the UK than usual; as of 30th June there were 1,235 confirmed cases in the UK⁴. The UK Health Security Agency (UKHSA) reports that monkeypox is spread by close contact, and the majority of cases that have been seen so far have been gay, bisexual or other men who have sex with men. However, anyone can contract this disease. People with symptoms are advised to contact a sexual health clinic.

With much lower transmissibility than influenza or COVID-19, monkeypox is not likely to have a significant impact on workplace health, other than for the small number of employees who might be infected and will then need to self-isolate for 21 days⁵.

3. Environmental temperature.

With high temperatures in June, and further high temperatures over the summer, there may be a risk of heat illness among some employees exposed to the heat, for example those undertaking waste and recycling collections. HSE provide useful guidance⁶.

4. Fit Notes.

Having first had some involvement in the consultation on widening the health professionals who can sign fit notes seven years ago, I was pleased to see this pass into law on 1st July⁷. We felt it may be helpful to clarify some points we see in our practice regarding fit notes.

¹ BBC News 2 Jul 2022 at: <https://www.bbc.co.uk/news/health-61995463>

² Coronavirus (COVID-19) Infection Survey, UK: 1 July 2022 at: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/bulletins/coronaviruscovid19infectionsurveys/pilot/1july2022>

³ BBC News 6 Jun 2022 at: <https://www.bbc.co.uk/news/health-45665821>

⁴ United Kingdom Health Security Agency (UKHSA) monkeypox update as at: <https://www.gov.uk/government/news/monkeypox-cases-confirmed-in-england-latest-updates>

⁵ UKHSA information on monkeypox at: <https://www.gov.uk/guidance/monkeypox>

⁶ HSE guidance on temperature and work at: <https://www.hse.gov.uk/temperature/index.htm>

⁷ More healthcare professionals given powers to certify fit notes at: <https://www.gov.uk/government/news/more-healthcare-professionals-given-powers-to-certify-fit-notes>

Guidance on fit notes has now been updated⁸. From 1st July 2022, fit notes can now be certified and issued by registered nurses, occupational therapists, pharmacists and physiotherapists, in addition to doctors. In the Government guidance for employers⁹, the Department for Work and Pensions (DWP) makes clear that not all individuals within these professions will be suitably experienced and qualified to certify and issue fit notes, so will only do so where they have the relevant training and knowledge to make an assessment of a person's fitness to work. Our doctors, nurses and physiotherapists have this training and knowledge, and postgraduate qualifications in occupational health.

Doctors working in occupational health, and now occupational health nurses and physiotherapists, will not usually have access to the 'Med3', which is the form GPs in the NHS have used, or the F Med 10, which NHS hospital doctors (and now other staff) use. Community pharmacists also will not have access to the 'Med3'. DWP advise that other forms of medical evidence, including private medical certificates, Allied Healthcare Professionals Advisory Fitness for Work Report can be accepted as medical evidence in the same way as a fit note, subject to the employer's agreement. DWP advise that in this instance the employer does not need to ask their employee to obtain further fit notes from their GP. Some of our clients do ask their employees to obtain a fit note from the GP, as well as our providing an occupational health report. With this change in the law, employers may consider our reports are sufficient when produced by a doctor, nurse or physiotherapist, which always include their name, profession and our registered address

I felt it may be helpful to point out other aspects of the guidance as follows, which have not changed, but are areas where we do encounter some misunderstanding.

- ❖ The employee can come back to work at any time, even if this is before their fit note expires. They do not need to go back to their healthcare professional first.
- ❖ The fit note belongs to the employee and they should keep the original. The employer may decide to take a copy for their records (this is usual).
- ❖ People do not need to be signed back to work and there is no option on the fit note to do so. If the employee's healthcare professional assesses that they are fit for work, they will not be issued with a fit note.
- ❖ For a limited number of jobs, there are separate procedures to ensure someone is fit to carry out their role. The HR, occupational health or legal department should know if this applies to the employer's organisation.
- ❖ If the organisation has a separate policy which requires someone to obtain medical evidence that they are fit for work, this should be arranged through an occupational health specialist¹⁰.
- ❖ The fit note is not binding on the employer. The assessment about whether the employee is not fit for work or may be fit for work (and any other advice in the fit note) is classed as advice, and it is for employers to determine whether or not to accept it. The employer is within their rights to gather other evidence about their employee's fitness for work from other healthcare professionals (such as an occupational health professional). The employer can choose to give this other evidence precedence over the advice in the fit note.

⁸ Government guidance on fit notes at: <https://www.gov.uk/government/collections/fit-note>

⁹ Guidance for employers on the fit note (updated 1 Jul 2022) at:

<https://www.gov.uk/government/publications/fit-note-guidance-for-employers-and-line-managers>

¹⁰ Government guidance on the further support provided by occupational health services at:

<https://www.gov.uk/government/publications/fit-note-guidance-for-employers-and-line-managers/getting-the-most-out-of-the-fit-note-guidance-for-employers-and-line-managers#further-support>

- ❖ For complex or possible work related conditions, support from occupational health specialists should be seriously considered.
- ❖ For more information, the employer could consider advice from an occupational health specialist. The employer can write to the treating healthcare professional for more information although they may have to pay for this service and healthcare professionals may not be able to respond immediately. Our advice in Cordell Health is that we will usually be able to provide advice on complex cases, and if a report from the GP or treating specialist is needed it is usually best if we write to them, although there will usually be a charge for this and there can be a delay. We have been aware of GPs and specialists declining to provide a report, but in our experience, this is rare if we have asked them for it and the need for it is clear.

5. Influenza vaccination.

For the coming ‘flu’ season, there is no indication yet that the Joint Committee on Immunisations and Vaccination (JCVI) will advise that the over 50s will (as for the last two seasons) be offered immunisation under the NHS, in addition to the usual groups as set out in the “Green Book”¹¹. In their guidance, UKHSA have stated that for winter 2022-2023 those aged 50-64 years old (without conditions that may make them more vulnerable) will not be offered a free flu vaccine through the NHS¹².

The position therefore is that existed before the COVID-19 pandemic, where we encourage employers to provide immunisations for their staff. This will reduce the likelihood of sickness among employees, and so reduce sickness absence that then will result. This will be particularly important for many of our clients.

In the “Green Book” it is stated that in addition to those listed as being eligible for reasons of their own health, immunisation should be provided to healthcare and social care workers in direct contact with patients/clients to protect them and to reduce the transmission of influenza within health and social care premises, to contribute to the protection of individuals who may have a suboptimal response to their own immunisations, and to avoid disruption to services that provide their care.

6. COVID-19 immunisation.

JCVI have advised that COVID-19 immunisation boosters this Autumn will be for more vulnerable adults, as well as frontline social care and health workers, in order to maintain their protection over the winter against severe COVID-19¹³.

The COVID-19 vaccine will therefore be offered to:

- ❖ residents in a care home for older adults and staff
- ❖ frontline health and social care workers

¹¹ JCVI guidance on influenza immunisation at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/931139/Green_book_chapter_19_influenza_V7_OCT_2020.pdf

¹² UKHSA summary of recommendations for influenza immunisation 2022/23 at:

<https://www.guidelines.co.uk/immunisation-and-vaccination/ukhsa-flu-immunisation-2022-2023-guideline/454313.article>

¹³ JCVI interim statement on COVID-19 vaccination for Autumn 2022 as at 20 May 2022 at:

<https://www.gov.uk/government/publications/jcvi-interim-statement-on-covid-19-autumn-2022-vaccination-programme/joint-committee-on-vaccination-and-immunisation-jcvi-interim-statement-on-the-covid-19-vaccination-programme-for-autumn-2022>

- ❖ all those 65 years of age and over
- ❖ adults aged 16 to 64 years who are in a clinical risk group

Vaccination remains a key pillar for us being able to live with COVID and are especially important for those who may be more vulnerable. With 150 million doses having been given in the UK alone, the benefits continue to substantially outweigh side effects, which continue to be monitored¹⁴.

7. Living - and working - with COVID-19.

We have been expecting the rise we have observed, likely caused by infections with Omicron variants BA.4 and BA.5. Omicron BA.1 was responsible for the spike six months ago. We will see waves returning indefinitely.

The United States and South Africa have recently had a rise, now falling, whereas cases have been increasing across Europe¹⁵. As shown on the WHO International dashboard¹⁶, although we have seen a rise in cases, deaths are much lower than in previous waves. It is the case however that hospital admissions have risen here in the UK¹⁷, and this will put pressure on the NHS. A significant contribution to this pressure relates to staff absence due to COVID-19 infection.

In **The United Kingdom**, from **3 January 2020** to **6:25pm CEST, 1 July 2022**, there have been **22,720,797 confirmed cases** of COVID-19 with **180,330 deaths**, reported to WHO. As of **22 June 2022**, a total of **149,397,250 vaccine doses** have been administered.

The United Kingdom Situation

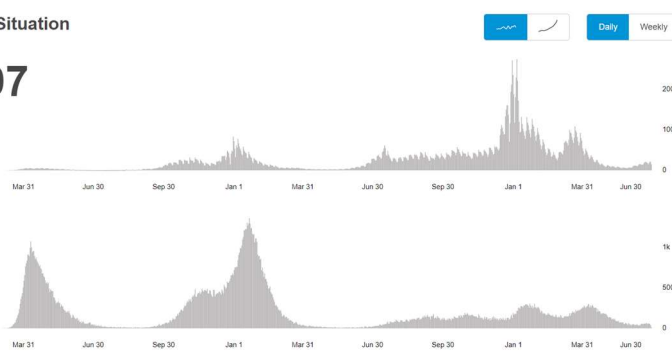
22,720,797

confirmed cases

180,330

deaths

Source: World Health Organization



Our advice remains as in earlier updates, and also as set out in our guidance note for employers on living and working with COVID¹⁸. This is based on the Government's guidance, and on the principles for protecting health in the workplace set out by the Health and Safety Executive (HSE)¹⁹, and will remain on our website resources at: <https://cordellhealth.co.uk/covid-19-support-bundle/>.

¹⁴ Coronavirus vaccine - weekly summary of Yellow Card reporting at:

<https://www.gov.uk/government/publications/coronavirus-covid-19-vaccine-adverse-reactions/coronavirus-vaccine-summary-of-yellow-card-reporting>

¹⁵ WHO International COVID-19 dashboard at: <https://covid19.who.int/>

¹⁶ WHO International COVID-19 dashboard for the UK at: <https://covid19.who.int/region/euro/country/gb>

¹⁷ National flu and COVID-19 surveillance reports: 2021 to 2022 season (as at 30 Jun 2022) at:

<https://www.gov.uk/government/statistics/national-flu-and-covid-19-surveillance-reports-2021-to-2022-season>

¹⁸ Cordell health guidance note on living and working with COVID at: <https://cordellhealth.co.uk/wp-content/uploads/2022/04/20220411-Cordell-Health-COVID-19-resource-for-clients-living-and-working-with-COVID-as-at-11-April-2022.pdf>

¹⁹ Health and Safety Executive (HSE) guidance on the approach to health and safety at work at: <https://www.hse.gov.uk/simple-health-safety/index.htm>

In essence, a pragmatic approach continues to be advised. Risk assessment²⁰, will identify measures that continue to be relevant to mitigate the risk of infection in the workplace²¹

It is also important to emphasise that risk assessment should be reviewed when the situation changes. With significant levels of infection in the community, this would be time to review the risk assessment and risk management controls.

Among these measures, as a long time control, we suggest that ensuring that staff do not come into work with symptoms of respiratory infection will remain relevant.

8. Employees who are more vulnerable.

As part of risk assessment, employers are required to consider those who may be more vulnerable²². The Government approach, for all sectors, continues to be to treat COVID-19 as we would for any other potentially serious respiratory virus.

Immunisation is the first line of defence in protecting those more vulnerable, as for Influenza. Continuing to take advantage of boosters therefore remains important. Those for whom there are concerns over vulnerability will be on the antivirals list²³.

It is the case however that there are some employees who remain anxious about COVID-19, and their potential vulnerability. We continue to be happy to have referrals from employers on such employees to advise on protecting their health.

9. Employees who are pregnant.

Royal College of Obstetricians and Gynaecologists guidance on Coronavirus (COVID-19), infection in pregnancy at:
<https://www.rcog.org.uk/guidance/coronavirus-covid-19-pregnancy-and-women-s-health/coronavirus-covid-19-infection-in-pregnancy/>

Coronavirus (COVID-19) Infection in Pregnancy (version 15 as at 7 Mar 2022) at:
<https://www.rcog.org.uk/media/xsubnsma/2022-03-07-coronavirus-covid-19-infection-in-pregnancy-v15.pdf>

The Government guidance for pregnant employees and COVID-19 was withdrawn on 1 Apr 2022²⁴. Guidance is now contained in that which sets out the measure for living with all respiratory infections²⁵.

In addition to the guidance, we have provided on the resources page of our website, our advice is the follow the Health and Safety Executive (HSE) guidance for employers on protecting pregnant workers

²⁰ Health and Safety Executive (HSE) guidance on risk assessment at: <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>

²¹ HSE guidance on the five steps to risk assessment at: <https://www.hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm>

²² Health and Safety Executive (HSE) guidance on individual risk assessment for vulnerable employees at: <https://www.hse.gov.uk/vulnerable-workers/>

²³ COVID-19: guidance for people whose immune system means they are at higher risk at: <https://www.gov.uk/government/publications/covid-19-guidance-for-people-whose-immune-system-means-they-are-at-higher-risk/covid-19-guidance-for-people-whose-immune-system-means-they-are-at-higher-risk>

²⁴ Archived Government advice for pregnant women (withdrawn 1 Apr 2022) as at: <https://www.gov.uk/government/publications/coronavirus-covid-19-advice-for-pregnant-employees>

²⁵ Living safely with respiratory infections, including COVID-19 at: <https://www.gov.uk/guidance/living-safely-with-respiratory-infections-including-covid-19>

and new mothers²⁶. HSE also provide guidance on individual risk assessment, which also includes a useful video on protecting pregnant workers and new mothers²⁷.

Most pregnant workers will be able to continue in their roles during pregnancy, especially if immunised. However, we continue to be happy to have referrals from employers on pregnant employees where there may be concerns, ideally soon after they have notified their employer of their pregnancy.

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4 July 2022

We continue to provide updates and maintain resources on our website for employers at:
<https://cordellhealth.co.uk/> .

²⁶ Health and Safety Executive (HSE) guidance for employers on protecting pregnant workers and new mothers at: <https://www.hse.gov.uk/mothers/employer/index.htm>

²⁷ Health and Safety Executive (HSE) guidance on individual risk assessment for pregnant employees at: https://www.hse.gov.uk/mothers/worker/index.htm#workplace_risk