

**HRMK NEWS AND VIEWS: MARCH 2010**

The brief information in our newsletter aims to raise your awareness of new developments in employment law and practice. For more information telephone or email **HRMK**, visit the Concierge section at [www.HRMK.co.uk](http://www.HRMK.co.uk) or use the featured links to other 'quality-assured' websites.

**In this edition ...**

- Updated** Statutory Payment Rates 2010
- New** The new 'Fit Note' (from 6 April 2010)
- New** Additional Paternity Leave
- New** Right to request time off for training

**Updated statutory payment rates**

	<i>Current rate</i>	<i>Rate from 6 April 2010</i>
Statutory Sick Pay	£79.15 per week	£79.15 per week (no change)
Statutory Maternity Pay	£123.06 per week (lower rate)	£124.88 per week (lower rate)
Statutory Paternity Pay	£123.06 per week	£124.88 per week
Statutory Redundancy Pay	£350 for each complete year of service. 50% uplift for age 41 years and above.	£380 for each complete year of service. 50% uplift for age 41 years and above.

**New Fit Notes (replaces current Sick Note)**

**Introduction**

From 6 April 2010, 'Statements of Fitness for Work' or 'Fit Notes' will replace the current Doctor's Statement, Med 3 (white form) and Med 5 (pink form) - all better known as the 'Sick Note'. The new Fit Note is intended to give employees and employers greater flexibility in managing sickness absence and help employees get the support that they need to get back to work.

Like sick notes, the Fit Note will confirm why an employee cannot work due to illness or injury and will be necessary from the eighth day of sickness absence.

In the past the sick note has either stated that 'you should refrain from work' or 'you need not refrain from work'. The Fit Note offers two options 'Is not fit for work' or 'May be fit for work taking account of the following advice'.

A doctor will also be able to specify whether or not they need to see the employee again when the Fit Note expires. This will help to reduce un-certainty for employers about when an employee can be expected to return to work.

**Statement of Fitness for Work**  
For social security or Statutory Sick Pay

Patient's name: Mr, Mrs, Miss, Ms

I assessed your case on: / /

and, because of the following condition(s):

I advise you that:

- you are not fit for work.
- you may be fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:

- a phased return to work
- amended duties
- altered hours
- workplace adaptations

Comments, including functional effects of your condition(s):

This will be the case for / / or from / / to / / /

I will/will not need to assess your fitness for work again at the end of this period. (Please delete as applicable)

Doctor's signature

Date of statement / /

Doctor's address

Med 3 04/10

**‘May be fit for work taking account of the following advice - Fit Note option**

The ‘May be fit for work taking account of the following advice’ option may be ticked where the doctor believes the employee could do some work with appropriate support from their employer including a phased-in return, temporary or permanent amended hours or duties or workplace adaptations. If the employer would find it difficult to provide the support recommended to enable the employee to return to work, the employer and employee should use the statement as if the doctor had advised that the employee is ‘not fit for work’.

**The future**

It remains to be seen how the new system work in practice and if it will help to reduce the length of sickness absences. The government will publish evaluation during 2012-2013.

**What next**

To help inform management and employees, all businesses are advised to have a written Sickness Policy and Procedure which outlines terms and conditions relating to sickness absence and related matters. If you would like a policy developing or amending to include the new Fit Note conditions, contact **HRMK**.

**Further information**

There is government guidance for employers on the new Fit Note on the Department for Work and Pensions website [Statement of fitness for work: A guide for employers \(PDF format, 457K\)](#)

**New Additional Paternity Leave**

(from 6 April 2010. Available to parents of children due on or after 3 April 2011)

At the moment, an employee who has been continuously employed for at least 26 weeks by the end of the fifteenth week before the child's expected week of birth, has the right to take either one or two consecutive weeks' Paternity Leave. Additional Paternity Leave allows employees to take up to 26 weeks' within the child's first year.

The first six months of the child's life will be preserved for the mother to take Maternity Leave. Additional Paternity Leave will generally then be available during the child's second six months. The earliest that Additional Paternity Leave may commence would be twenty weeks after the child is born unless the mother dies during the first year of the child's life. Additional Paternity Leave must end no later than the child's first birthday.

If the mother returns to work after 26 weeks' Maternity Leave but before she has taken her full entitlement to 39 weeks' Statutory Maternity Pay or Maternity Allowance, then Additional Paternity Leave will be paid at the same rate as the standard rate of Statutory Maternity Pay or 90% of the partner's average earnings if this is less than the standard rate.

**New Right to ask for time off for training**

(from 6 April 2010)

The government intends to introduce the right to ask for time off for training in organisations with 250 or more employees from 6 April 2010 extending the right to cover all employees from April 2011 at the earliest.

The new right will be available to employees who have been continuously employed for at least 26 weeks. Employers will be obliged to consider seriously requests that they receive, but will be able to refuse requests where there is a good business reason for doing so, including where they feel that the requested training will not help to improve business performance or productivity. It will be for the employee and employer to agree how much time may be taken but this is likely to be a key consideration for the employer. There will be no obligation on the employer to fund a request.

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(t) 01908 674965

(m) 078 54 45 44 34

(e) [hrmk@btinternet.com](mailto:hrmk@btinternet.com)

[www.HRMK.co.uk](http://www.HRMK.co.uk)