

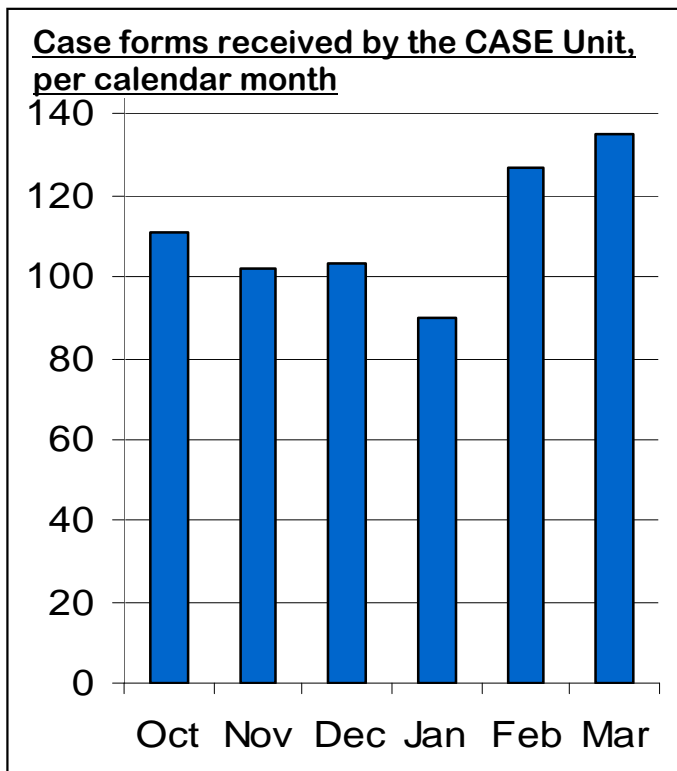


LATEST NEWS FROM THE CASE UNIT

The North West Case Unit has now been in existence for over six months. Since 'going live' in mid-September 2009 the Unit has received and dealt with over 800 cases. We are receiving on average over 100 case forms per month from branches and are responding to these by providing detailed advice, referring cases to Thompsons where appropriate or taking cases on.

The Unit has been successful in its first six months of operation in turning over a high workload in a timely and efficient manner.

In the coming months we aim to help spread best practice in case work throughout the Region. The Case Unit will contribute to the Regional training programme by providing a briefing for stewards at the Representation Skills course. We shall also produce informative briefings for branches.



It is important that branches receive information about the latest developments so in this briefing we have produced some information about the new 'fit note'.

We have had several queries from branches about Tribunal time limits, which is clearly a very important topic. We have therefore produced an easy-to-use guide to time limits on the back page of this edition of *CASENotes*.

We hope that this briefing will be useful for your branch.

From Sick Note

The New Regime

Since 6 April this year, GPs have been required to issue those suffering from ill health with 'fit notes' rather than sick notes.

The new fit note (see opposite) features a new option for the GP to elaborate on what the employer might agree to do to assist a return to work.

UNISON supports the principle that workers should be supported in their return to work. However, there is a concern that the new system could be abused by some employers to pressurise people who are unwell to come back to work too early.

The primary criteria which should be used by GPs in filling out the fit note remains the **medical outcome** for the individual patient, **not getting the person back to work**. This is a point that should be emphasised by the union at all levels.

What you can do

Branches are encouraged to **ensure that sickness absence agreements are up to date** and include a commitment to the fit note system being used to support the health and well-being of the individual—not to force employees back to work.

New agreements should also cover issues such as: communications with GPs, workplace modifications, the possibility of home or mobile working, and systems of support for employees who are on long-term sick leave.

Branches, and especially Health & Safety Reps, may **help to ensure that workers returning after sickness are supported**. You might routinely approach returners and check that any necessary changes in their duties, hours, etc have been made.

We need to be wary of the potential pressures on members to return to work too early under the fit note system. **We all need to stand by members if an employer tries to force them back to work.**

Further Information

The UNISON Bargaining Support Group have produced a factsheet which details the changes. It highlights the union's concerns and the potential organising opportunities that the changes present. The factsheet can be accessed at the UNISON website (enter 'UNISON fit note' into a search engine).

The Department for Work and Pensions website has detailed information for employees, employers and healthcare professionals about the changes at: <http://www.dwp.gov.uk/fitnote/>

to Fit Note

The new
'Fit Note'

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

Patient's name

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):

Sample

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

TIME LIMITS

CLAIM	TRIGGER	DEADLINE
Unfair Dismissal (Including constructive dismissal, and redundancy)	Date employment ended	3 months less 1 day
Discrimination	Last act of discrimination	3 months less 1 day
Breach of Contract	Date of the breach	3 months less 1 day
Contractual Redundancy pay	Date employment ended	3 months less 1 day
Statutory Redundancy pay	Date employment ended	6 months less 1 day (but best to treat as 3 months less 1 day as member may also have contractual redundancy pay claim)
Personal Injury	Date of accident / first suffering symptoms	3 years less 1 day (send Form PI to UNISON Headquarters)

- Employment Tribunal deadlines are **strictly enforced**
- For the vast majority of Tribunal cases the deadline is 3 months less 1 day
- 3 months less 1 day means that, for example, if somebody was dismissed on 20 September, their Tribunal claim would have to be lodged by 19 December.
- **The deadlines do not wait**—i.e. appeals against dismissal or grievances do not put the deadline back
- UNISON will provide legal representation for members at Employment Tribunals where they are deemed to have a reasonable prospect of success. If you think a member has a case, refer it to the Case Unit as early as possible.
- If you think a member does not have a winnable claim, you can advise them of the time limit for putting in their own claim.
- Where a member lodges a claim on their own account, they should not put UNISON down as their representative.

NB: The information is correct as of May 2010. If you have any queries about the specific circumstances of a case please do contact us.