
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Health and Social Care Information Centre (Statements of Fitness for Work) Directions 2015

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by sections 254(1) and (6), 260(2)(d), 261(3), 274(2) and 304(9), (10) and (12) of the Health and Social Care Act 2012(a) and Regulation 32 of the National Institute for Health and Social Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013(b).

In accordance with section 254(5) of the Health and Social Care Act 2012, the Secretary of State has consulted the Health and Social Care Information Centre before giving these Directions.

Citation, commencement and interpretation

1.—(1) These Directions may be cited as the Health and Social Care Information Centre (Statements of Fitness for Work) Directions 2015 and come into force 28 October 2015 in accordance with paragraph 2.

(2) In these Directions—

“the Act” means the Health and Social Care Act 2012;

“Clinical Commissioning Group” means a body corporate established under section 11 and Part 2 Chapter A2 of the National Health Service Act 2006(c);

“CCG level information” means GP Practice level information aggregated to reflect the Clinical Commissioning Group to which the GP Practice belongs;

“contract” means—

(a) a general medical services contract made under section 84(2) of the NHS Act (general medical services contracts: introductory); or

(b) an agreement made with a general medical practitioner under section 92 of the NHS Act (arrangements by the Board for the provision of primary medical services);

“contractor” means a person other than the Board who is a party to a contract;

“Data Sharing Agreement” means the Data Sharing Agreement between the Secretary of State for Work and Pensions and the Health and Social Care Information Centre relating to the system described in paragraph 2(1) dated 24 October 2015 and annexed to these Directions at Annex A;

“ESA” means Employment Support Allowance as defined in Part 1 of the Welfare Reform Act 2007(d);

“Fit for Work” means the Department for Work And Pensions’ Fit for Work service being delivered by that Department under Section 2 of the Employment and Training Act 1973(a);

(a) 2012 c 7.
(b) S.I. 2013/259
(c) 2006 c 41.
(d) 2007 c 5.

“general medical practitioner” means a person registered in the General Practitioner Register kept by the General Medical Council;

“GP Practice” means the business operated by—

- (a) a person with whom NHS England has entered into a general medical services contract under section 84 of the NHS Act(b) (general medical services contracts: introductory) for the provision of medical services under Part 4 of that Act or as a consequence of a property transfer scheme made under section 300 of the Act (transfer schemes);
- (b) a person with whom NHS England has entered into an arrangement under section 92 of the NHS Act(c) (arrangements by the Board for the provision of primary medical services) for the provision of medical services under Part 4 of that Act, which require the provision by that person of primary medical services, or as a consequence of a property transfer scheme made under section 300 of the Act; or
- (c) a person with whom NHS England has made contractual arrangements for the provision of primary medical services under section 83(2) of the NHS Act(d) (primary medical services) for the provision of medical services under Part 4 of that Act, or as a consequence of a property transfer scheme made under section 300 of the Act;

“GP Practice level information” means information obtained by complying with the direction in paragraph 2(1) that does not include person identifiable information and that has undergone processes including—

- (a) validation;
- (b) association of codes with corporate reference data of the Information Centre;
- (c) aggregation and summarisation of information to indicate the numbers of statements of fitness for work given by registered medical practitioners in each GP Practice categorised by duration of statement and month of issue; and
- (d) small numbers suppression such that where information is collected or obtained that indicates the numbers of statements of fitness for work categorised in some way and the number is less than five, the number will be replaced by a star;

“GP Practice premises” means an address specified in a contract as one at which services are to be provided under the contract;

“the Information Centre” means the Health and Social Care Information Centre(e);

“NHS Act” means the National Health Service Act 2006(f)

“NHS England” means the National Health Service Commissioning Board, established by section 1H of the NHS Act;

“patient” means the person in respect of whom a statement of fitness for work is given;

“person identifiable information” means information which is in a form which identifies an individual to whom the information relates or enables the identity of such an individual to be ascertained;

“statement of fitness for work” means a statement given by a registered medical practitioner who is a general medical practitioner or contractor or party to a contract made under section 84 of the NHS Act(g) (not being the patient) who has carried out an assessment of the fitness for work of a patient —

(a) 1973 c 50.

(b) Section 84 was amended by paragraph 31 of Schedule 4 to the Health and Social Care Act 2012 (“the Act”).

(c) Section 92 was amended by paragraph 36 of Schedule 4 to the Act.

(d) Section 83 was amended by paragraph 30 of Schedule 4 to the Act.

(e) The Health and Social Care Information Centre is a body corporate established by section 252 of the Act and referred to in the Act as “the Information Centre”.

(f) 2006 c. 41.

(g) c. 41, Section 84 of the NHS Act 2006 was amended by paragraph 31 of Schedule 4 to the Act.

- (a) in accordance with the rules set out in Part 1 of Schedule 1 to the Statutory Sick Pay (Medical Evidence) Regulations 1985(a), to enable such a patient who claims to be entitled to statutory sick pay(b) from the patient's employer, to provide medical information required for the purpose of determining—
 - (i) the duration of the period of entitlement in question; or
 - (ii) whether a period of entitlement exists as between them(c); or
- (b) in accordance with the rules set out in Part 1 of the Schedule to the Social Security (Medical Evidence) Regulations 1976(d), to enable such a patient who claims to be entitled to any benefit, allowance or advantage (other than industrial injuries benefit or statutory sick pay) where entitlement to that benefit, allowance or advantage depends on that patient being incapable of work or having limited capability for work, to provide evidence of such incapacity or limited capability(e);

“Statement of Fitness for Work Information” means information about, or extracted from, a statement of fitness for work described in the Table at Schedule 2 to these Directions, which includes person identifiable information; and

“Universal Credit” means universal credit payable in accordance with Part 1 of the Welfare Reform Act 2012(f).

The Statements of Fitness for Work information system

2.—(1) The Secretary of State directs the Information Centre to establish and operate an information system for the collection and analysis of information relating to statements of fitness for work for the purposes of improving the monitoring of public health and commissioning and quality of health services.

(2) The information system described in sub-paragraph (1) is to be known as the “Statement of Fitness for Work information system”.

(3) The Information Centre must exercise the information system functions described in sub-paragraph (1) in accordance with the Data Sharing Agreement.

(4) In carrying out the information system functions described in sub-paragraph (1), the Information Centre must collect Statement of Fitness for Work Information from GP Practice premises—

- (a) for the period from the week commencing 1st December 2014, and for each subsequent week until the date these Directions come into force; and
- (b) thereafter at weekly intervals.

(5) The Information Centre may collect Statement of Fitness for Work Information consisting of person identifiable information unless sub-paragraph (6) applies

(6) The Information Centre must not collect Statement of Fitness for Work Information relating to a patient who has requested that person identifiable information that relates to the patient must not be released from the GP Practice.

(7) The Information Centre may collect Statement of Fitness for Work Information consisting of person identifiable information relating to a person to whom sub-paragraph (6) applies where that person no longer wishes the request under sub-paragraph (6) to apply.

(a) S.I. 1985/1604, as amended by [regulations 3(1), (2) (4) and (5) of the Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010, S.I. 2010/137, and regulations 6(1) and (2) of S.I. 1992/247.

(b) Statutory sick pay is defined in section 151(1) of the Social Security Contributions and Benefits Act 1992.

(c) See regulation 2 of the Statutory Sick Pay (Medical Evidence) Regulations 1985, S.I. 1985/1604 (medical information).

(d) S.I. 1976/615.

(e) See regulation 2 of the Social Security (Medical Evidence) Regulations 1976, S.I. 1976/615 (evidence of incapacity for work, limited capability for work and confinement).

(f) 2012 c 5.

(8) In exercising the information system functions described in sub-paragraph (1), the Information Centre must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to the Information Centre.

Publication and dissemination of information obtained from the Statements of Fitness for Work information system

3.—(1) The Information Centre is directed to disseminate the following information specified in sub-paragraphs (1)(a) and (1)(b) which is obtained by complying with the direction in paragraph 2(1), to the Secretary of State for Work and Pensions:

- (a) CCG level information; and
- (b) CCG level information aggregated to geographical areas.

(2) The Information Centre may disseminate the information described in sub-paragraph (1) by virtue of s.261(2)(e) and, for the avoidance of doubt, the power to disseminate in s.261(1) applies.

(3) The Information Centre must disseminate GP Practice level information to the Secretary of State for Work and Pensions for the uses set out in Schedule 1 to these Directions and for the purpose of enabling the Secretary of State for Work and Pensions to exercise the following functions—

- (a) the power of the Secretary of State in section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) to make arrangements for assisting persons to select, train for, obtain and retain employment suitable for their capacities;
- (b) the additional power of the Secretary of State in section 5(3) of the Employment and Training Act 1973 (additional powers of Secretary of State) to arrange for research into any matter connected with any of the Secretary of State's functions relating to employment, unemployment or training for employment or the dissemination of information derived from such research;
- (c) any other of the functions of the Secretary of State for Work and Pensions conferred under or by virtue of any provision of an Act relating to employment, unemployment or training for employment;
- (d) regulation 30(2)(a) of S.I. 2008/794;
- (e) regulation 28(2)(a) of S.I. 1995/311;
- (f) regulation 99(4)(b) of S.I. 2013/376;
- (g) regulation 17(1)(a) of S.I. 2013/379; and
- (h) regulations 46 and 46A and 16(1) and (5) and 16A of S.I. 2013/378.

(4) Information obtained by complying with the direction in paragraph 2(1) which is to be disseminated to the Secretary of State for Work and Pensions in accordance with directions notified to the Information Centre in writing by the Secretary of State pursuant to paragraph 2(8) must, where so directed, adhere to the uses described in Schedule 1 and be aggregated according to;

- (a) GP Practice level information
- (b) CCG level information; and
- (c) CCG level information aggregated to geographical areas.

Systems delivery functions

4.—(1) The Secretary of State directs the Information Centre to exercise such systems delivery functions of the Secretary of State as are necessary for it to deliver the Statements of Fitness for Work information system.

(2) The Information Centre must carry out the systems delivery functions described in sub-paragraph (1) in accordance with paragraph entitled "Data required" of the Data Sharing Agreement.

(3) In exercising the systems delivery functions referred to in sub-paragraph (1), the Information Centre must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to the Information Centre.

(4) The Secretary of State may make payments to the Information Centre for things done in connection with the exercise of the systems delivery functions referred to in sub-paragraph (1).

Reports and Accounts

5.—(1) The Information Centre must provide such reports and information as the Secretary of State may notify in writing to the Information Centre in connection with the Statements of Fitness for Work information system to—

- (a) the Secretary of State for Health;
- (b) the Secretary of State for Work and Pensions; or
- (c) any person or body nominated by the Secretary of State.

(2) The Secretary of State may notify in writing to the Information Centre the form, manner or timing of any report required pursuant to sub-paragraph (1).

(3) The Information Centre must keep proper accounts, and proper records in relation to the accounts in connection with—

- (a) the Statements of Fitness for Work information system; and
- (b) its exercise of systems delivery functions for the Statements of Fitness for Work information system.

26.10.15

Date



Parliamentary Under Secretary of State
Department of Health

SCHEDULE 1

The uses of the information to be obtained from the information system described at paragraph 2(1) of these Directions.

Statements of fitness for work (Fit note) data is required at geographical, CCG and GP Practice level to:

- a) undertake research and analysis to inform the development of policy relating to employment, unemployment, sickness absence and the receipt of DWP benefits, specifically, but not exclusively, relating to the evaluation of Fit for Work and the delivery of Employment Support Allowance (ESA) and Universal Credit;
- b) identify geographical/CCG/GP Practice level differences in sickness absence management to inform policy development and continuous improvement, resulting in people returning to work sooner;
- c) enable baseline comparisons for the new service, Fit for Work (FFW), to support the evaluation and measure success, including looking at the number of people who have spells of ill health identifiable through fit note data at a low level geography and then compare with use of FFW and benefit claiming in those areas to see whether outcomes are better in areas where the FFW participation rate is higher;

- d) use fit note data to examine ESA claiming rates and to build an understanding of the drivers for benefit claiming;
- e) enable CCGs to self audit their fit note data against comparable data to help inform their own policy development and commissioning decisions

SCHEDULE 2

Statement of Fitness for Work information included in the extraction

Notes for information: The fit note (known as a Med 3 form) template is issued by a doctor following an assessment of a patient's fitness for work. A template is embedded in GP IT systems from which the doctor can computer generate a form which is printed for the patient.

<i>Description of data item</i>	<i>Explanation of field</i>
Admin.Code	Code which captures the action taken by clinician in issuing fit note e.g 'Med 3 issued to patient'.
Admin.text	This is system generated text which corresponds to the above Admin Code
Coding.System	Name of coding system used (READ, CTV3 or SNOMED) These are coding systems used by the IT suppliers (recognised within NHS)
Date patient assessed by doctor	The date the doctor judges the patient to be sick from. Can be current or past date. If > 6 months triggers the Six months assessment question and flag as per line below.
<Assessment.sixmonth.flag>	Linked to line above - identification that the patient was assessed more than 6 months before the statement date
Diagnosis.Code (number)	Doctor's diagnosis using system based coding system
Diagnosis.Code text	System turns code into written format
Not fit for work - marker ticked	Doctor indicates that patient is unfit for work
Maybe fit for work - marker ticked	Doctor indicates that patient may be fit for work
Maybe fit for work – phased return ticked	Doctor recommends a phased return to work
Maybe fit for work.- altered.hours ticked	Doctor recommends altered hours
Maybe fit for work - amended.duties ticked	Doctor recommends amended duties
Maybe fit for work - workplace adaptations ticked	Doctor recommends workplace adaptations
Valid.period.- days	Doctor determines period advice applies to
Valid.period.- weeks	Doctor determines period advice applies to
Valid.period.- months	Doctor determines period advice applies to
Valid.period. - indefinite	Doctor determines period advice applies to
Valid.Period.-start.date	Doctor determines period advice applies to
Valid.Period.- end.date	Doctor determines period advice applies to
<NFW.Six.Month.flag>	This flag confirms that the GP review confirms a patient has been unfit for work for 26 weeks or more. ONLY if this is the case can a

	certificate be created with a duration of more than 13 weeks, 3 months or an 'indefinite' period.
Follow.up.assessment	Doctor indicates whether he needs to see the patient at the end of the period
MED3 Printed	System confirms that the form has been printed
MED3.Duplicate Printed	System captures whether the form printed is a duplicate
MED3.Statement.date	System captures date the form is completed
MED3.Statement.Time	System captures the time form is printed
Practice.postcode	Postcode of the issuing GP Practice
Practice.code	Code which identifies the issuing GP Practice
Patient.sex	Patient's gender
MED3 Linking.ID	A machine generated identifier which allows Med 3 forms relating to the same patient to be linked without identifying him/her. It allows period of sickness to be added together to get the total period of absence.
MED3.Unique.ID	The unique ID is a machine generated code assigned to every printed form. The unique ID does not hold any linking or identifiable information but enables HSCIC's system to check that the fit note's data hasn't been duplicated. It cannot be traced back to an individual fit note.
