

## [<sup>F1</sup>SCHEDULE 1

**F1** Sch. 1 substituted (6.4.2010) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 (S.I. 2010/137), regs. 1(2), **2(3)**

### PART 1

#### RULES

1. In these rules, unless the context otherwise requires—

“assessment” means either a consultation between a patient and a [<sup>F2</sup>healthcare professional] which takes place in person or by telephone or a consideration by a [<sup>F2</sup>healthcare professional] of a written report by another [<sup>F2</sup>healthcare professional] or other health <sup>F3</sup>...professional;

“condition” means a specific disease or bodily or mental disability;

<sup>F4</sup> ...

“ [<sup>F5</sup>other health professional] ” means a person (other than a [<sup>F6</sup>healthcare professional] and not being the patient) who is<sup>F7</sup>..., a registered midwife, <sup>F8</sup>... or a member of any profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002;

“patient” means the person in respect of whom a statement is given in accordance with these rules.

**F2** Words in Sch. 1 rule 1 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(5)(a)(i)**

**F3** Word in Sch. 1 rule 1 omitted (1.7.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(5)(a)(ii)**

**F4** Words in Sch. 1 rule 1 omitted (1.7.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(5)(b)**

**F5** Words in Sch. 1 rule 1 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(5)(c)(i)**

**F6** Words in Sch. 1 rule 1 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(5)(c)(ii)**

**F7** Words in Sch. 1 rule 1 omitted (1.7.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(5)(c)(iii)**

**F8** Words in Sch. 1 rule 1 omitted (1.7.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(5)(c)(iv)**

2. Where a [<sup>F9</sup>healthcare professional] issues a statement to a patient in accordance with an obligation arising under a contract, agreement or arrangement under Part 4 of the National Health Service Act 2006 or Part 4 of the National Health Service (Wales) Act 2006 or Part 1 of the National

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Health Service (Scotland) Act 1978 the [F10healthcare professional's] statement shall be in a form set out at Part 2 [F11or Part 2A] of this Schedule<sup>F12</sup>....

- F9** Words in Sch. 1 rule 2 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(6)(a)**
- F10** Words in Sch. 1 rule 2 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(6)(b)**
- F11** Words in Sch. 1 rule 2 inserted (6.4.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(2)(a)**
- F12** Words in Sch. 1 rule 2 omitted (6.4.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(2)(b)**

3. Where a [F13healthcare professional] issues a statement in any case other than in accordance with rule 2, the [F14healthcare professional's] statement shall be in the form set out in Part 2 [F15or Part 2A] of this Schedule or in a form to like effect<sup>F16</sup>....

- F13** Words in Sch. 1 rule 3 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(7)(a)**
- F14** Words in Sch. 1 rule 3 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(7)(b)**
- F15** Words in Sch. 1 rule 3 inserted (6.4.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(3)(a)**
- F16** Words in Sch. 1 rule 3 omitted (6.4.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(3)(b)**

4. A [F17healthcare professional's] statement must be based on an assessment made by that [F18healthcare professional] .

- F17** Words in Sch. 1 rule 4 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(8)(a)**
- F18** Words in Sch. 1 rule 4 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(8)(b)**

5. A [F19healthcare professional's] statement<sup>F20</sup>... shall contain the following particulars—
- (a) the patient's name;
  - (b) the date of the assessment (whether by consultation or consideration of a report as the case may be) on which the [F19healthcare professional's] statement is based;
  - (c) the condition in respect of which the [F21healthcare professional] advises the patient they are not fit for work;
  - (d) a statement, where the [F21healthcare professional] considers it appropriate, that the patient may be fit for work;
  - (e) a statement that the [F21healthcare professional] will or, as the case may be will not, need to assess the patient's fitness for work again;
  - (f) the date on which the [F19healthcare professional's] statement is given;
  - (g) the address of the [F21healthcare professional][F22;][F23and]

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(h) [<sup>F24</sup>the name of the [<sup>F21</sup>healthcare professional] (whether in the form of a signature or [<sup>F25</sup>otherwise); and]]

[<sup>F26</sup>(i) the profession of the healthcare professional]

F27 ...

- F19** Words in Sch. 1 rule 5 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(9)(a)**
- F20** Words in Sch. 1 rule 5 omitted (6.4.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(4)(a)**
- F21** Words in Sch. 1 rule 5 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(9)(b)**
- F22** Sch. 1 rule 5(g): semi-colon substituted for comma (6.4.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(4)(b)**
- F23** Word in Sch. 1 rule 5(g) inserted (6.4.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(4)(b)**
- F24** Sch. 1 rule 5(h) inserted (6.4.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(4)(c)**
- F25** Words in Sch. 1 rule 5(h) substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(9)(c)**
- F26** Sch. 1 rule 5(i) inserted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(9)(d)**
- F27** Words in Sch. 1 rule 5 omitted (6.4.2022) by virtue of The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022 (S.I. 2022/298), regs. 1(2), **2(4)(d)**

[<sup>F28</sup>**5A.** Where the healthcare professional’s statement is in the form set out in Part 2 of this Schedule—

- (a) the healthcare professional’s name shall, irrespective of their profession, be recorded next to the words “doctor’s signature”;
- (b) the healthcare professional’s address shall, irrespective of their profession, be recorded next to the words “doctor’s address”; and
- (c) the healthcare professional shall record their profession within the statement in such place as appears to them to be appropriate.]

- F28** Sch. 1 rule 5A inserted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(10)**

**6.** Subject to rule 8, the condition in respect of which the [<sup>F29</sup>healthcare professional] is advising the patient is not fit for work or, as the case may be, which has caused the patient’s absence from work shall be specified as precisely as the [<sup>F30</sup>healthcare professional’s] knowledge of the patient’s condition at the time of the assessment permits.

- F29** Words in Sch. 1 rule 6 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(11)(a)**

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**F30** Words in Sch. 1 rule 6 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(11)(b)**

7. Where a [<sup>F31</sup>healthcare professional] considers that a patient may be fit for work the [<sup>F31</sup>healthcare professional] shall state the reasons for that advice and where this is considered appropriate, the arrangements which the patient might make, with their employer's agreement, to return to work.

**F31** Words in Sch. 1 rule 7 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(12)**

8. The condition may be specified less precisely where, in the [<sup>F32</sup>healthcare professional's] opinion, disclosure of the precise condition would be prejudicial to the patient's well-being, or to the patient's position with their employer.

**F32** Words in Sch. 1 rule 8 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(13)**

9. A [<sup>F33</sup>healthcare professional's] statement may be given on a date after the date of the assessment on which it is based, however no further statement shall be furnished in respect of that assessment other than a [<sup>F33</sup>healthcare professional's] statement by way of replacement of an original which has been lost, in which case it shall be clearly marked "duplicate".

**F33** Words in Sch. 1 rule 9 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(14)**

10. Where, in the [<sup>F34</sup>healthcare professional's] opinion, the patient will become fit for work on a day not later than 14 days after the date of the assessment on which the [<sup>F34</sup>healthcare professional's] statement is based, the [<sup>F34</sup>healthcare professional's] statement shall specify that day.

**F34** Words in Sch. 1 rule 10 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(15)**

11. Subject to rules 12 and 13, the [<sup>F35</sup>healthcare professional's] statement shall specify the minimum period for which, in the [<sup>F35</sup>healthcare professional's] opinion, the patient will not be fit for work or, as the case may be, for which they may be fit for work.

**F35** Words in Sch. 1 rule 11 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(16)**

12. The period specified shall begin on the date of the assessment on which the [<sup>F36</sup>healthcare professional's] statement is based and shall not exceed 3 months unless the patient has, on the advice of a [<sup>F37</sup>healthcare professional], refrained from work for at least 6 months immediately preceding that date.

**F36** Words in Sch. 1 rule 12 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(17)(a)**

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**F37** Words in Sch. 1 rule 12 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(17)** (b)

**13.** Where—

- (a) the patient has been advised by a [<sup>F38</sup>healthcare professional] that they are not fit for work and, in consequence, has refrained from work for at least 6 months immediately preceding the date of the assessment on which the [<sup>F39</sup>healthcare professional’s] statement is based; and
- (b) in the [<sup>F39</sup>healthcare professional’s] opinion, the patient will not be fit for work for the foreseeable future,

instead of specifying a period, the [<sup>F38</sup>healthcare professional] may, having regard to the circumstances of the particular case, enter, after the words “case for”, the words “an indefinite period”.]

**F38** Words in Sch. 1 rule 13 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(18)** (a)

**F39** Words in Sch. 1 rule 13 substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(18)** (b)

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