

Fit note reform: call for evidence Response from Equity Trade Union

Introduction

1. This is a submission from Equity Trade Union in response to the UK Governments' 'Fit note reform' consultation announced on 19/04/24.
2. [Equity](#) is the UK's largest trade union for performers and creative professionals (around 50,000). Most of our members are self-employed. The work is usually short term and project based. The creative industries currently make up nearly 6% of the UK economy.¹ 3% of members identify as deaf or disabled and we have a dedicated Deaf and Disabled Members Committee.
3. Equity is the only UK trade union to offer an in-house social security advice service. We have been operating for several decades. We run a bi-weekly helpline and casework (appeals) service. We have considerable front line experience on issues in practise for members experiencing ill health and/or long-term disability, including recurrent periods of ill health preventing work.
4. Throughout this consultation we will refer to the 'Fit note' by its proper name – Statement of Fitness for Work or for conciseness, the Med 3 certificate.
5. We are of the considered opinion that this consultation is not justified or and in breach of pre-election rules. As such we will not be providing answers to the consultation questions but raising fundamental points to be carefully considered and taken into account.

Our assessment: over-arching points

Dangerous interference with medical responsibility

6. The fact that 94% of Med 3 Certificates indicated that recipients were unfit to work is a matter of fact and not a reflection of a flawed system.
7. We support the position Unite Trade Union doctors who have responded with a public statement rejecting this consultation entirely on the basis that the proposals to remove the responsibility for issuing medical certificates is in direct conflict with basic medical duty:

*'Doctors in Unite believes that it is a fundamental duty of doctors to be allowed to record people as sick or able to work solely based on their medical condition and not on arbitrary government guidelines. Suggestions that quotas could be imposed on how many sick notes a doctor could issue is entirely at odds with medical ethics.'*²

¹ Centre for Economics and Business Research (2020), [Contribution of the UK Arts and Culture Sector to the UK Economy, Arts Council England](#)

² [Doctors in Unite reject government plans to force the sick to work \(unitetheunion.org\)](#)

The consultation is in breach of pre-election campaigning rules

8. Alongside many other organisations, Equity made a formal complaint to the Cabinet Secretary in relation to this consultation, which was announced on during the purdah period. The latest date that the pre-election period can start for the local elections was 26/03/24. the Mayor of London and London Assembly elections, 19/03/24.
9. Accordingly, this consultation is in breach of pre-election ('purdah') rules, as set out at section K of the [Consultation Principles Guidance](#):

*'Consultation exercises should not generally be launched during local or national election periods. If exceptional make a consultation absolutely essential (for example, for safeguarding public health), departments should seek advice from the Propriety and Ethics team in the Cabinet Office.'*³

10. In addition, [Government guidance](#) explains that 'It needs to be borne in mind that the activities of the UK Government could have a bearing on the election [campaign]' stressing that:

*'Care also needs to be taken in relation to the announcement of UK Government decisions which could have a bearing on the elections.... particular care should be taken over official support, and the use of public resources, including publicity, for government announcements that could have a bearing on matters relevant to the elections.'*⁴

11. The opening of this consultation was fully supported by Government resources, including the publication of a green paper, press releases, interviews and statements on both mainstream media and social media.
12. Welfare support and provision are clearly a highly relevant area of importance to local authorities and, accordingly, local election campaigns. This includes the local and regional Mayoral campaigns. We are therefore very concerned that the pre-election rules have been breached by the Government in regard to these announcements and await to hear a response from the Cabinet Secretary on an investigation into this.

Inaccurate and misleading claims on economic inactivity

13. The government states that this '*Comes amid unprecedented rise in inactivity due to long term sickness with latest figures showing almost a third of working age adults are inactive.*' However economic inactivity is not currently at an unprecedented rate when compared with the last 30 years.⁵

³ [Microsoft Word - Consultation Principles \(1\).docx \(publishing.service.gov.uk\)](#), section K.

⁴ [May2023 Local Elections guidance conduct civil servants.pdf \(publishing.service.gov.uk\)](#)

⁵ [LFS: Economic inactivity rate: UK: Female: Aged 16-64: %: SA - Office for National Statistics \(ons.gov.uk\)](#)

14. The technically correct definition of economic inactivity is *'people not in employment who have not been seeking work within the last 4 weeks and/or are unable to start work within the next 2 weeks.'*⁶ It is not the same as unemployment and includes those who are studying, retired, who have full time caring responsibilities or do not have to work, as well as those who cannot work due to ill health.
15. There are a multitude of reasons for economic inactivity including increasing NHS waiting lists, rising levels of poverty and the cost-of-living crisis, as well as the impact of Brexit and Covid on the labour market.
16. Furthermore, Research by the Health Foundation has found that there are as many people in work with ill health as there are those out of work.⁷

Scapegoating

17. Equity recently provided detailed evidence alongside other Deaf and Disabled People's organisations and trade unions, to the United Nations Committee on the Rights of Disabled People.⁸ The UK has been signed up to the United Nations Convention on the Rights of Disabled People (UNCRDP) since 2009. By following the UNCRDP, the UK has agreed to protect and promote the human rights of disabled people, including the right to independent living (article 19), employment (art. 27) and social security (art. 28).
18. In 2016 the UNCRDP found that *'grave and systematic violations'* of disabled persons rights had taken place since 2010 and that welfare reform had *'disproportionally and adversely'* affected the rights of people with disabilities.
19. This year, it again found that the UK had *'failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities and has failed to eliminate the root causes of inequality and discrimination.'*⁹
20. The [report](#) was published on 22/05/24 a few days after the Prime Minister's declaration of his *'moral mission'* to *'reform welfare'* including a perceived *'sick note culture.'* In stark and significant contrast, the UNCRDP report refers to complaints upheld against the UK Government for *'stirring up hostility'* against benefit claimants, as well as *'misleading and inaccurate'* articles in the press that give *'a false impression about eligibility and generosity'* of the UK social security system:

⁶ [Economic inactivity - Office for National Statistics \(ons.gov.uk\)](#)

⁷ [What we know about the UK's working-age health challenge - The Health Foundation](#)

⁸ We refer to the convention as the Convention on the Rights of Disabled People (CRDP) rather than the given name - Convention on the Rights of People with Disabilities (CRPD) - as we follow the social model of disability. The convention allows us to do this.

⁹ tbineternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FGBR%2FFUIR%2F1&Lang=en

'There is a pervasive framework and rhetoric that devalues disabled people and undermines their human dignity. Reforms within social welfare benefits are premised on a notion that disabled people are undeserving and wilfully avoiding employment ("skiving off") and defrauding the system.'

21. It also reported on the serious consequences that have come out of the UK governments failure to address the UNCRDP findings and recommendations:

'The evidence received revealed a disturbingly consistent theme: disabled people resorting to suicide following the denial of an adequate standard of living and social protection, starkly contradicting the foundational principles enshrined in the Convention. In addition to numerous personal accounts concerning benefit deaths, a research study shared with the Committee indicated a correlation between the government's initiative to reevaluate incapacity benefits through the Work Capability Assessment (WCA) and an estimated six hundred suicides over a span of three years.'

Summary

22. We conclude that the issuing of sick notes is not a relevant issue for consultation. What is relevant is the violation of sick and disabled people's human rights in the UK, as found by the UNCRDP. This is the issue that should be examined by our future incoming government with any changes made in consultation with and led by Deaf and Disabled People.