

## Obtaining Medical Reports Policy

22 Wilkinson Street, Sheffield, S10 2GB

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### 1 Introduction

- 1.1 There may be occasions when we consider it necessary to obtain a medical report on an employee's health or medical condition.
- 1.2 This policy provides an overview of the circumstances in which we might need to obtain a medical report and the process that we will follow for obtaining and handling medical reports.
- 1.3 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

### 2 Scope

- 2.1 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

### 3 Reasons for requesting a medical report

- 3.1 The circumstances in which we may need to obtain a medical report include to:
  - 3.1.1 prevent a significant risk to your health and safety, or others;
  - 3.1.2 determine your fitness for carrying out your role;
  - 3.1.3 determine whether you are fit to return to work after a period of sickness absence, or when you might return to work;
  - 3.1.4 determine your entitlement to health-related benefits (eg sick pay);
  - 3.1.5 prevent discrimination on the ground of disability or assess the need to make reasonable adjustments to your working environment; and/or
  - 3.1.6 comply with other legal obligations.

### 4 Who we might instruct to provide a medical report

- 4.1 Depending on the circumstances, we might instruct:
  - 4.1.1 your own doctor/consultant;
  - 4.1.2 occupational health; and/or
  - 4.1.3 an independent medical adviser.
- 4.2 When deciding which medical practitioner to instruct, we will consider the purpose of the report and factors such as the need for objectivity, specialist expertise, and knowledge about your medical history and the requirements of your role.

### 5 Procedure for obtaining a medical report

- 5.1 If we decide that a medical report is necessary, we will write to you confirming why we intend to obtain a medical report and from whom the medical report will be obtained. In addition, you will be fully informed of your rights under the General Data Protection Regulation (GDPR).

#### Where a medical report is requested from your own doctor/consultant

- 5.2 Where we decide to obtain a medical report directly from your own doctor/ consultant, the Access to Medical Reports Act 1988 applies.

- 5.3 Therefore, when we write to you, we will also ask you to confirm whether you provide your consent for us to approach your doctor/consultant.
- 5.4 You will be notified of all your rights under the Access to Medical Reports Act 1998, including the right to see the medical report before it is supplied to us.
- 5.5 If you elect to see the medical report beforehand, we will write to you again to confirm that the report has been requested. You will have 21 days from the date that the application is made to contact the medical practitioner directly to request access to the medical report.
- 5.6 Having seen the report, if you feel that it is misleading or incorrect, you have the right to request that the medical practitioner amends it, although they are not obliged to do so.
- 5.7 Alternatively, you may request that access to the report is withheld from the organisation. However, if we need to make decisions affecting your employment without the benefit of medical input, this could be to your detriment.

Where a medical report is requested from occupational health or any other independent medical adviser

- 5.8 Where we decide to obtain a medical report from occupational health, or any other independent medical adviser who has not been responsible for your clinical care, the Access to Medical Reports Act 1998 does not apply.
- 5.9 In these circumstances, you do not have the right to access the medical report before it is supplied to us.

**6 What information will be provided to the medical practitioner**

- 6.1 When requesting a medical report, we will provide the relevant medical practitioner with as much information as possible about the current situation, your role, and explain why the report is being sought.
- 6.2 We will also ask any specific questions that we wish the medical practitioner to answer depending on the reason for our request.
- 6.3 Where the Access to Medical Reports Act 1988 applies, we will also provide the medical practitioner with a copy of your written consent when requesting the report and we will let them know whether you have elected to see the report before it is supplied to us.
- 6.4 Where the medical practitioner has not been responsible for your clinical care, you may be asked to attend a medical examination and/or asked to provide your written consent for access to your medical records.

**7 Next steps**

- 7.1 Once we have received the report, we will arrange a meeting with you to discuss the contents and identify the appropriate next steps.

**8 If you refuse to attend a medical examination or withhold your consent**

- 8.1 You should be aware that if you refuse to attend a medical examination, or you withhold your consent to a medical report being disclosed to us, we may need to make decisions affecting your employment without the benefit of medical input, which could be to your detriment.

**9 Data protection**

- 9.1 We treat personal data collected while seeking a medical report in accordance with our Data Protection Policy. Where we rely on our legitimate interests as the legal ground for processing your data, you can object to the processing.

## **10 Review**

- 10.1 This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed two years after initial approval and thereafter on a biennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

## **11 Definitions**

- 11.1 Ben's Centre ("we", "us", "our")  
11.2 The Employee ("you")

### **Document control box**

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