Occupational Health Assessments

This is an explanation about your rights and the consents required to obtain and process health related data from you, a general practitioner or consultant or from an independent medical practitioner.

You have certain rights under the Data Protection Act 2018 (IOM) and the Access to Health Records and Medical Reports Act 1993 (IOM), which are explained below. Please read these notes carefully.

Data Protection Act (IOM)2018

The general information we are asking you about is known as your personal data.

Information about your health, medical history and any treatment that you have received is known as sensitive personal data.

We require your informed consent in writing to obtain and process any health-related data about you.

Access to Information

You have a right of access to information we hold about you on a health record. It is subject to medical confidentiality guidance that aims to protect you from physical or mental harm when reading about your state of health and means that the doctor acting for your company will review the record before it is sent to you.

If on reading a record, you believe it is inaccurate or misleading you can request that an amendment is attached to it.

If you want access to health record information, your request must be made in writing to us. A check will be made to verify you are the person seeking the information. In certain circumstances a charge may be made for the release of information. We will let you know if a charge is applicable.

Access to Health Records and Medical reports Act (IOM) 1993

We sometimes need to obtain information about your health from the doctors who are treating you. These are your rights, which you should understand before we ask your general practitioner or a consultant treating you for a report:

* You can withhold your consent for us to request a report
* You can elect to see the report before it is sent to us and during the six months after the completion of the report.
* If you consider any of the information in the report is incorrect or misleading you can ask your doctor in writing to amend it. If your doctor does not agree to do this, the report will not be amended but you will be invited to write a statement of your view, which will be attached to the report.

A copy of your signed consent form with the request for the report will be sent to your doctor.

If you have requested to see the report and 21 days from the date of the request has passed but you have not contacted the doctor to make arrangements to see it and, if relevant, request amendments to it, the report will automatically be sent to us. It is your duty to liaise with your doctor to view the report. The doctor can make a charge if you want a copy of the report.

Changing your mind

If you say you do not want to see a report and then change your mind before the doctor has sent it, you can write to your doctor who will give you access to the report. You will have 21 days from the date of your request to view it.

Delayed access

If you say you do not want to see a report and then change your mind, your doctor will give you a copy of the report during a period of up to six months after the original request. Your doctor can charge a fee for this.

Reports from Independent Doctors for Employment Purposes

Until recently under the Access to Medical Reports Act (IOM) 1993 independent doctors, such as doctors working for Independent Medical Services who are not responsible for treating and caring for you, would not need to show you a medical report prepared for an employer prior to its being sent to the employer, although you would subsequently have the right to request a copy of the report from your employer. However, current General Medical Council guidelines suggest that the employee is given the option to view the report before it is sent. This is to enable any factual errors to be corrected – it is not to enable you to change the doctor’s opinion unless that opinion is based on incorrect information. At that stage you may withdraw consent for the report to be sent, in which case the employer would have to make decisions about your work on the basis of whatever information they already have.

The doctor who carries out the assessment will explain what he/she is going to put in the report and will give you the option of seeing the report before it is sent to the employer if you wish, although you may at that stage be content for the doctor to send the report without further delay.

Exemptions in the Access to Medical Reports Act (IOM) 1993

Your doctor is not obliged to show you any part of a medical report if that disclosure would, in the doctor’s opinion, be likely to cause serious harm to your physical or mental health.

Similarly, if a report reveals to information about a person other than yourself, that part of the report must be kept from you.

Where the exemptions apply, your doctor must inform you in writing that access is being denied but that access is still allowed to any part of the report not covered by the exemptions.

Independent Medical Assessments for Employment Purposes

Prior to an independent medical assessment your employer and the examining practitioner will explain the purpose of the examination to you.

You will be asked to sign a consent form

* to agree to Independent Medical Services handling personal and sensitive health related information about you
* to agree to the examination being carried out *and/or*
* to agree to any necessary sampling and testing of blood and urine or other investigations
* to authorise the examining doctor to obtain information about you from your general practitioner or hospital specialist
* to authorise the examining doctor to provide a report to your employer, with or without you seeing the report first
* to authorise the examining doctor to release medical information from the assessment to your General Practitioner, if necessary

You do not necessarily have to consent to all of the above.

You have a right of privacy and, although it is likely that the doctor who is assessing you will ask about your medical history in detail in order to make an informed opinion about your health, the report that is sent to your employer will be expressed in terms of your fitness for employment and / or your fitness to carry out you duties both now and in the future and the likelihood of your maintaining satisfactory work attendance and performance. The report may also contain recommendations about adjustments to your work or workplace and restrictions on the work that you do.

It is important that you understand your rights and the processes surrounding occupational health assessments and reports – please feel free to discuss any queries or worries with the doctor when you attend for your assessment.

This form is for your information only at this stage. Please do not complete this – the doctor will go through it and complete it with you when you come for your assessment

Consent under Data Protection Act 2018 (IOM) and the Access to Medical Reports Act 1993(IOM)

Company Name: …………………………………………………………..

Location: ………………………………………………………………………

Declaration - Please show your choice where indicated (\*) and then complete and sign the bottom of the form. Please bring this form with you when you come for your assessment. If you have any uncertainties or concerns about any part of the form you will have the opportunity to talk about them with the doctor.

I agree to Independent Medical Services

* Processing personal and sensitive health related information about me
* Applying for information from my own doctor or specialist treating me and I wish\* / do not wish\* to see the report before it is sent to the doctor acting for my company

Independent Medical Assessment

I consent\* / do not consent\* to attend an independent medical assessment

I agree\*/not agree\* to any necessary investigations which may include the sampling and testing of blood or urine or other investigations.

I consent\* / do not consent\* to the release of a Management Advice Letter to my employer. I understand that any advice given to my employer will be expressed in terms of my fitness for employment and / or my fitness to carry out my duties both now and in the future.

Please choose on of the following:

 I agree to the Management Advice Letter being sent to my employer without me seeing it

I agree to the Management Advice Letter being sent to my employer but I would like a copy to be sent to me at the same time

I agree to the Management Advice Letter being sent to my employer but I would like to see it first.

I authorise\* / do not authorise\* the Company Medical Adviser to release medical information from the assessment to my GP if necessary

I confirm I have read and understood the information about personal data and sensitive data.

I understand that I will be given the opportunity to sign a fresh consent form when a new episode of my health occurs that may affect my occupation.

Your Full Name: ……………………………………………………………….. Date of Birth …………………

Address:……………………………………………………………

Signature: …………………………………………………………………… Date:

General Practitioner:……………………………………………………………………………………………….

Hospital Specialist……………………………………………………………..……...